
STATUTORY INSTRUMENTS

2006 No. []

ECCLESIASTICAL LAW, ENGLAND

The Care of Cathedrals Rules 2006

Made (Approved by the General Synod) [] July 2006

Laid before Parliament [] July 2006

Coming into force in accordance with rule 1(2) and (3)

ARRANGEMENT OF RULES

PART 1

Citation, commencement, revocation and interpretation

1. Citation, commencement and revocation
2. Interpretation

PART 2

Preliminary Determinations

3. Request to Commission for determination of the body from which approval is required
4. Request to Commission for a declaration that no approval is required under the Measure

PART 3

Application to fabric advisory committee

5. Application for approval of fabric advisory committee
6. Request to Commission following non-determination by fabric advisory committee

PART 4

Application or Appeal to the Commission

7. Application for approval of Commission
8. Appeal by Chapter to Commission
9. Appeal by Chapter/ tenant to Commission

PART 5

Proposals affecting clergy housing

10. Proposals affecting clergy housing

PART 6

Notice of proposed application for Listed Building or Scheduled Monument Consent

11. Application for listed building consent or scheduled monument consent

PART 7

Objects of interest and Treasure

12. Body from which approval is required: sale, loan or disposal of object of interest
13. Body from which approval is required: work to an object of interest
14. Application to Commission: sale, loan, disposal of, or work to object of interest
15. Application to fabric advisory committee: sale, loan, disposal of, or work to object of interest
16. Application to Commission: sale, loan or disposal of treasure.

PART 8

Request for review by Commission of Review

17. Commission of Review: Application to Commission following non-determination by fabric advisory committee
18. Commission of Review: Non-determination by Commission
19. Commission of Review: Application for approval made by Chapter to Commission
20. Commission of Review: Appeal by Chapter to Commission
21. Request to Commission of Review by a tenant

PART 9

Procedure and Evidence

22. Procedure of fabric advisory committee
23. Procedure of Commission
24. Procedure of Commission of Review and orders as to costs
25. Declaration of personal interest
26. Evidence

PART 10

Registers of applications to fabric advisory committee and Commission

27. Register of applications

PART 11

Inventories and cathedral records

28. Inventories
29. Making and storing cathedral records

PART 12

Miscellaneous and General

30. Sending or delivering documents
31. Copies of documents
32. Date for compliance

33. Irregularities

SCHEDULE 1 — TREASURE

SCHEDULE 2 — FORMS

PART 1 — Forms 1 and 2: Preliminary Determinations

PART 2 — Forms 3 to 7: Application to fabric advisory committee

PART 3 — Forms 8 to 14: Application or Appeal to Commission

PART 4 — Form 15: Notice of proposed application for Listed Building Consent or Scheduled Monument Consent

PART 5 — Forms 16 to 18: Treasure

PART 6 — Forms 19 to 24: Request for review by Commission of Review

PART 7 — Forms 25 and 26: Registers of applications to fabric advisory committee and Commission

In pursuance of section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991⁽¹⁾, the Rule Committee constituted by section 25 of the said Measure as amended by Schedule 3 to the Care of Cathedrals (Amendment) Measure 2005⁽²⁾ make the following rules—

PART 1

Citation, commencement, revocation and interpretation

Citation, commencement and revocation

1.—(1) These rules may be cited as the Care of Cathedrals Rules 2006.

(2) These rules, other than rule 16, Schedule 1 and Forms 16, 17 and 18 in Schedule 2, shall come into force on the day appointed under section 20(3) of the Care of Cathedrals (Amendment) Measure 2005 for the coming into force of section 1 of that Measure.

(3) Rule 16, Schedule 1 and Forms 16, 17 and 18 in Schedule 2 shall come into force on the day specified in paragraph (2) above or, if later, on the coming into force of an order under section 2(2) of the Treasure Act 1996⁽³⁾ relating to any category of objects found within the precinct of a cathedral.

(4) The Care of Cathedrals Rules 1990⁽⁴⁾ are hereby revoked.

Interpretation

2.—(1) In these rules—

“administrator” means the “administrator of the cathedral” being the person, by whatever name called, appointed under section 9(1)(e) of the Cathedrals Measure 1999⁽⁵⁾ or during the absence or illness of the administrator, a person approved by the Chapter;

“chair” and “vice-chair” mean the chairman or the vice-chairman (within the meaning of Schedules 1 and 2 to the Measure) of the Commission or the fabric advisory committee respectively;

(1) 1991 No.1.

(2) 2005 No.2.

(3) 1996 (c 24).

(4) S.I. 1990/2335.

(5) 1999 No.1.

“the Commission” means the Cathedrals Fabric Commission for England constituted by section 3;

“Commission of Review” means a Commission of Review constituted under section 10;

“corporate body” means the body established under section 9(1)(a) of the Cathedrals Measure 1999;

“Dean of the Arches and Auditor” includes a person appointed under section 10(3)(a) of the Measure;

“English Heritage” means the Historic Buildings and Monuments Commission for England known as English Heritage;

“the Measure” means the Care of Cathedrals Measure 1990(6) as amended by the Care of Cathedrals (Amendment) Measure 2005;

“national amenity societies” means the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and the Twentieth Century Society and such other body as may from time to time be designated by the Dean of the Arches and Auditor as a national amenity society for the purpose of the Measure;

“precinct” in relation to a cathedral church means the precinct for the time being indicated on the plan required for that cathedral church by section 13 of the Measure;

“provincial registrar” means the registrar of the province in which the cathedral church concerned is situated;

“section” means a section of the Measure as defined in this rule.

(2) The Interpretation Measure 1925(7) and the Interpretation Act 1978(8) shall apply for the interpretation of these rules as they apply for the interpretation of Measures passed by the General Synod.

PART 2

Preliminary Determinations

Request to Commission for determination of the body from which approval is required

3.—(1) If a Chapter or a fabric advisory committee wishes to have a determination by the Commission whether under section 6(1) an application for approval is required to be made to the fabric advisory committee or to the Commission then the request shall—

- (a) be made in writing in Form 1 in Schedule 2, and
- (b) be accompanied by plans, drawings, specifications or other documents adequately to illustrate the proposal or as may be requested by the Commission.

(2) The question in the application in Form 1 shall be determined in writing by the Commission with reasons, either—

- (a) within 28 days from the date of receipt of the items supplied or requested under sub-rule (1)(b), or
- (b) within such period not exceeding 3 months as the Commission may reasonably require to determine the question, provided that prior written notice is given by the secretary of the Commission to the Chapter or fabric advisory committee, as the case may be, that the said period of 28 days is to be extended.

(6) 1990 No.2.
(7) 15 & 16 Geo 5 No.3.
(8) 1978 (c 30)

Request to Commission for a declaration that no approval is required under the Measure

4.—(1) Subject to the requirements of section 6(2C), the Commission may, if requested by the Chapter under sub-rule (3) of this rule, make a declaration in writing that no approval of a proposal is required under the Measure.

(2) A Chapter may only request the Commission to make such a declaration where the proposal does not relate to the cathedral church or a building within the precinct of the cathedral church for the time being used for ecclesiastical purposes.

(3) Where a Chapter proposes to carry out works, including works of repair or maintenance on, above or below land vested in the corporate body and those works would materially affect—

- (a) the immediate setting of the cathedral church, or
- (b) any archaeological remains within the precinct of the cathedral church,

then, if planning permission, listed building consent or scheduled monument consent is required for the carrying out of all the works to which the proposal relates, the Chapter may request the Commission to make a declaration that no approval is required under the Measure for the proposal.

(4) Any request by a Chapter under sub-rule (3) shall—

- (a) be made in writing in Form 2 in Schedule 2, and
- (b) be accompanied by plans, drawings, specifications or other documents adequately to describe the proposal or intended proposal.

(5) Before making any declaration as requested under sub-rule (3) of this rule the Commission shall—

- (a) consult the local planning authority, the fabric advisory committee and English Heritage as to the matters in sub-rule (3), and
- (b) be satisfied that any considerations relevant to preserving the immediate setting of the cathedral church or any archaeological remains within the precinct of the cathedral church will be or have been adequately taken into account by the person or body responsible for granting the planning permission or consent.

(6) For the purpose of consultation under sub-rule (5)(a) the secretary of the Commission shall request each of the bodies specified to reply to the consultation within 28 days, but if no reply is received from one or more of those bodies within that period the Commission may nevertheless proceed to decide whether or not to make a declaration that no approval is required under the Measure.

(7) Within 28 days from the expiry of the period for replying to consultation under sub-rule (6) the Commission shall, if satisfied as to the matters in section 6(2C) make the declaration requested, or if not so satisfied shall decline to make a declaration, and the secretary of the Commission shall notify the Chapter accordingly.

PART 3

Application to fabric advisory committee

Application for approval of fabric advisory committee

5.—(1) An application by a Chapter under section 7(1) for the approval of a proposal by a fabric advisory committee shall—

- (a) be made in writing in Form 3 in Schedule 2, and
- (b) be accompanied by such detailed plans, drawings, specifications and other documents as describe the proposal or may be requested by the fabric advisory committee.

(2) At the same time as an application is made to a fabric advisory committee under sub-rule (1) the administrator shall display for a period of 28 days inside and outside the cathedral where it is readily visible to the public a notice in Form 4 in Schedule 2 which—

- (a) gives particulars of the proposal;
- (b) identifies an address at which the plans, drawings, specifications and other documents describing the proposal can be inspected;
- (c) states that representations in writing in respect of the proposal may be sent to the secretary of the fabric advisory committee at a specified address to arrive no later than 28 days from the date of the notice.

(3) At the same time as an application is made under sub-rule (1) the administrator shall send or deliver a copy of the notice referred to in sub-rule (2)—

- (a) to the Commission;
- (b) if the proposal is of a kind described in section 2(1)(a)—
 - (i) to English Heritage;
 - (ii) to the national amenity societies (or such person as those societies shall jointly appoint for the purposes of the Measure), and
 - (iii) to the local planning authority.

(4) If at least three members of the fabric advisory committee present and voting at a meeting of the fabric advisory committee when an application under sub-rule (1) is under consideration determine that the proposal in question gives rise to considerations of such special architectural, archaeological, artistic or historic interest that the application should be determined by the Commission, the secretary of the fabric advisory committee shall in accordance with section 6(3) refer the application to the Commission and shall immediately notify the Chapter accordingly, and section 8 and rule 7 shall then apply to that application.

(5) Immediately after the expiry of 28 days following the display of the notice required by sub-rule (2) of this rule the administrator shall complete the certificate of publication in Form 4 in Schedule 2 and send or deliver it to the secretary of the fabric advisory committee.

(6) After receipt of the certificate of publication required by sub-rule (5) of this rule the fabric advisory committee shall consider any representations made to it and shall determine whether to give its approval to the proposal, either unconditionally or subject to such conditions as it may specify, or whether to refuse to give its approval and its decision—

- (a) shall be given in writing, and
- (b) if approval is refused, or given subject to conditions, the fabric advisory committee shall give its reasons in writing in its decision.

(7) Within 10 days of the fabric advisory committee's decision, the secretary of the fabric advisory committee shall send or deliver a notice of the decision in Form 5 in Schedule 2—

- (a) to the Chapter;
- (b) to the Commission, and
- (c) to any body or person to whom notice of the application has been sent under sub-rule (3)(b).

(8) The administrator shall within 7 days of receipt of the notice sent or delivered to the Chapter under sub-rule (7)(a), display a copy of the notice inside and outside the cathedral where it is readily visible to the public for a period of not less than 28 days.

Request to Commission following non-determination by fabric advisory committee

6.—(1) A request under section 9(2) by the Chapter to the Commission to deal with an application where it has not been determined by the fabric advisory committee shall—

- (a) be made by notice in writing in Form 6 in Schedule 2;
- (b) be accompanied by the documents specified in rule 5(1);

(c) be sent or delivered to the secretary of the Commission within 28 days after the expiry of the period of 3 months immediately following the making of the application to the fabric advisory committee.

(2) The administrator shall send or deliver a copy of the notice given under sub-rule (1)(a) to the secretary of the fabric advisory committee at the same time as sending or delivering the notice to the secretary of the Commission under sub-rule (1)(c).

(3) Within 7 days of receipt of a copy of the notice under sub-rule (2), the secretary of the fabric advisory committee shall send or deliver to the secretary of the Commission copies of any representations in writing made to the fabric advisory committee in accordance with rule 5(2) or 5(3)(b) relating to the proposal which is the subject of the notice.

(4) Within a period not exceeding 3 months after receipt of the notice requesting it to deal with an application, the Commission shall consider the application and any representations made to the fabric advisory committee in accordance with rule 5(2) or 5(3)(b) and shall give its decision in writing stating whether it gives its approval to the proposal, either unconditionally or subject to such conditions as it specifies, or refuses to give its approval to the proposal.

(5) Within 10 days of the Commission's decision the secretary of the Commission shall send or deliver a notice of the decision in Form 7 in Schedule 2.

(6) The administrator shall within 7 days of receipt of the notice display a copy of it in accordance with rule 5(8)—

(a) to the Chapter,

(b) to the fabric advisory committee,

(c) to any body or person to whom notice of the application as sent under rule 5(3)(b).

PART 4

Application or Appeal to the Commission

Application for approval of Commission

7.—(1) An application by a Chapter under section 8(1) for the approval of a proposal by the Commission shall—

(a) be made in writing in Form 8 in Schedule 2, and

(b) be accompanied by such detailed plans, drawings, specifications and other documents as describe the proposal or may be requested by the Commission.

(2) At the same time as an application is made under sub-rule (1), the administrator shall display for a period of 28 days inside and outside the cathedral where it is readily visible to the public, a notice in Form 9 in Schedule 2 which—

(a) gives particulars of the proposal;

(b) identifies an address at which the plans, drawings, specifications and other documents describing the proposal can be inspected;

(c) states that representations in writing in respect of the proposal may be sent to the secretary of the Commission at the address of the Commission to arrive no later than 28 days from the date of the notice.

(3) At the same time as an application is made under sub-rule (1) the administrator shall send a copy of the notice referred to in sub-rule (2) to the fabric advisory committee.

(4) At the same time as an application is made under sub-rule (1) the administrator shall send a copy of the notice in sub-rule (2) and a copy (free of charge) of each of the detailed plans, drawings, specifications and other documents which accompanied the said application—

(a) to English Heritage;

- (b) to the national amenity societies (or such person as those societies may jointly appoint for the purposes of the Measure), and
- (c) if the application relates to a proposal of a kind described in section 2(1)(a), to the local planning authority.

(5) Within 14 days after receipt of the notice under sub-rule (3) of this rule, the secretary of the fabric advisory committee shall inform the Commission in writing whether the fabric advisory committee has considered the proposal and, if so, of its views.

(6) If a meeting is arranged between the Commission and the Chapter to discuss the proposal, the administrator shall notify the secretary of the fabric advisory committee not less than 14 days before the date of the meeting and the fabric advisory committee's representatives shall be entitled to be present at the meeting.

(7) Immediately after the expiry of 28 days following display of the notice required by sub-rule (2) the administrator shall complete the certificate of publication in Form 9 in Schedule 2 and send or deliver it to the secretary of the Commission.

(8) After receipt of the certificate of publication required by sub-rule (7) of this rule and within 3 months after the expiry of the date for written representations under sub-rules (2)(c) and (4) and the holding of a public hearing, if any, the Commission shall consider all the representations and shall determine whether to give its approval to the proposal, either unconditionally or subject to such conditions as it may specify or whether to refuse to give its approval, and its decision—

- (a) shall be given in writing, and
- (b) if approval is refused or given subject to conditions, the Commission shall give its reasons in writing in its decision.

(9) Within 10 days of the Commission's decision the secretary of the Commission shall send or deliver a notice of the decision in Form 10 in Schedule 2—

- (a) to the Chapter;
- (b) to the fabric advisory committee;
- (c) to English Heritage;
- (d) to the national amenity societies (or such person as those societies may jointly appoint for the purposes of the Measure),
- (e) if the decision relates to a proposal of a kind described in section 2(1)(a), to the local planning authority, and
- (f) if the decision relates to an application under rule 12(a) and the Commission has consulted the Church Commissioners, under rule 14(2), to the Church Commissioners.

(10) The administrator shall within 7 days of receipt of the notice sent or delivered to the Chapter under sub-rule (9)(a) of this rule, display a copy of the notice inside and outside the cathedral where it is readily visible to the public for a period of not less than 28 days.

Appeal by Chapter to Commission

8.—(1) An appeal under section 9(1) by the Chapter to the Commission against a decision of the fabric advisory committee refusing approval or giving approval subject to conditions shall—

- (a) be made in writing in Form 11 in Schedule 2;
- (b) be accompanied by a copy of the fabric advisory committee's decision given in accordance with rule 5(6) and copies of the application to the fabric advisory committee and of any plans, drawings, specifications and other documents accompanying the application;
- (c) be sent or delivered to the secretary of the Commission within 3 months from the date on which notice of the fabric advisory committee's decision was sent or delivered to the Chapter under rule 5(7).

(2) The administrator shall send a copy of the notice of appeal made under sub-rule (1)(a) of this rule to the secretary of the fabric advisory committee at the same time as sending the notice of appeal to the secretary of the Commission under sub-rule (1)(c) of this rule.

(3) Within 7 days of receipt of a copy of the notice of appeal under sub-rule (2), the secretary of the fabric advisory committee shall send or deliver to the secretary of the Commission copies of any representations in writing made to the fabric advisory committee in accordance with rule 5(2) or 5(3)(b) relating to the proposal which is the subject of the appeal.

(4) Within a period not exceeding 3 months after receipt of the notice of appeal under sub-rule (1) of this rule or within 28 days after the holding of a public hearing, if any, the Commission shall consider the case for the Chapter and all the representations relating to the proposal and shall give its decision in writing with reasons stating whether it reverses, confirms or varies the decision of the fabric advisory committee or any part thereof.

(5) Within 10 days of the Commission's decision on the appeal the secretary of the Commission shall send or deliver a notice of the decision in Form 12 in Schedule 2 to those specified in rule 7(9) and the administrator shall within 7 days of receipt of the notice display a copy of it in accordance with rule 7(10).

Appeal by Chapter/ tenant to Commission

9.—(1) Where a fabric advisory committee refuses approval for a proposal from a Chapter for the carrying out of works by a tenant for which the Chapter's consent is required, or gives approval subject to conditions, the secretary of the fabric advisory committee shall within 10 days of the fabric advisory committee's decision send or deliver a notice of the decision in Form 5 to the Chapter and to the tenant.

(2) Within 28 days of receipt of the notice under sub-rule (1) the Chapter may appeal in writing in Form 13 in Schedule 2 to the Commission against the decision of the fabric advisory committee and shall send or deliver to the secretary of the Commission—

- (a) a copy of the application in Form 3 for approval of the proposal for the carrying out of works by a tenant;
- (b) copies of any plans, drawings, specifications and other documents which accompanied the application; and
- (c) a copy of the decision of the fabric advisory committee upon the proposal.

(3) If the Chapter decides not to appeal under sub-rule (2), then the administrator shall immediately notify the tenant in writing of the Chapter's decision and the tenant may, within 28 days of the date of notification, appeal in writing in Form 13 to the Commission against the decision of the fabric advisory committee.

(4) Where a tenant alone appeals under sub-rule (3) the tenant shall—

- (a) send or deliver to the secretary of the Commission—
 - (i) a copy of the application in Form 3 for approval of the proposal for the carrying out of works by a tenant;
 - (ii) copies of any plans, drawings, specifications and other documents which accompanied the application;
 - (iii) a copy of the decision of the fabric advisory committee upon the proposal
- (b) write to the Chapter informing the Chapter of the tenant's appeal to the Commission.

(5) If the Chapter decides to appeal to the Commission under sub-rule (2), the tenant may also appeal and shall give written notice of appeal to the Commission in Form 13 in the name of the tenant but the Chapter shall send or deliver to the secretary of the Commission the documents referred to in sub-rule (2).

(6) For the purpose of an appeal by the Chapter or by the tenant or by both the Chapter and the tenant, rule 8(2) to (5) shall apply save that notice of the decision of the Commission shall be in Form 14 in Schedule 2.

(7) The Chapter shall be entitled to appear and be heard by way of written representation or at any public hearing on an appeal to the Commission whether or not the Chapter has appealed under sub-rule (2).

PART 5

Proposals affecting clergy housing

Proposals affecting clergy housing

10. Where any Chapter makes an application to a fabric advisory committee or the Commission for approval of a proposal which falls within section 2(1)(a)(ii) or 2(1)(a)(iii) and the proposal would affect any house the whole or part of which is for the time being occupied or to be occupied by a clerk in Holy Orders holding office in the cathedral church—

- (a) the administrator shall send to the Church Commissioners a copy of the notice in respect of the proposal which is required to be displayed under rule 5(2) or rule 7(2), as the case may be;
- (b) any observations made by the Church Commissioners to the fabric advisory committee or the Commission with respect to the proposal shall be treated for the purposes of the Measure as representations made under rule 5 or rule 7, as the case may be; and
- (c) the secretary of the fabric advisory committee, the secretary of the Commission or the provincial registrar shall send to the Church Commissioners a copy of any notice of a decision or determination by the fabric advisory committee, the Commission or a Commission of Review as the case may be, which is required under rule 5(7), 6(5), 7(9), 9(6), 19(6) and 21(7).

PART 6

Notice of proposed application for Listed Building or Scheduled Monument Consent

Application for listed building consent or scheduled monument consent

11.—(1) Any notice required by section 15 to be given by the administrator to the Commission in relation to a proposed application for listed building consent or scheduled monument consent shall be in Form 15 in Schedule 2 and shall be accompanied by plans, drawings, specifications and other documents adequately to describe the proposed application.

(2) The period for the sending of representations in writing to the administrator to be specified in any notice under sub-rule (1) shall be 28 days beginning with the date the notice is sent or delivered to the Commission.

PART 7

Objects of interest and Treasure

Body from which approval is required: sale, loan or disposal of object of interest

12. An application by a Chapter for approval of a proposal involving the sale, loan or other disposal of an object within section 2(1)(b) shall—

- (a) if the object has been designated by the fabric advisory committee as being of outstanding architectural, archaeological, artistic or historic interest, be made to the Commission; and
- (b) if the object is not within sub-rule (a) of this rule but is of architectural, archaeological, artistic or historic interest, be made to the fabric advisory committee.

Body from which approval is required: work to an object of interest

13. An application by a Chapter for approval of a proposal for the carrying out of any work to an object within section 2(1)(b) which would materially affect the architectural, archaeological, artistic or historic interest of the object, shall—

- (a) if the object has been designated by the fabric advisory committee as being of outstanding architectural, archaeological, artistic or historic interest, be made to the Commission; and
- (b) if the object is not within sub-rule (a) of this rule, be made to the fabric advisory committee.

Application to Commission: sale, loan, disposal of, or work to object of interest

14.—(1) Rule 7 shall apply to any application to the Commission under rules 12(a) or 13(a) which does not relate to an object of treasure within section 6A(1).

(2) Where on an application under rule 12(a) the Commission—

- (a) consults the Church Commissioners under section 8(2A) on any financial considerations (other than any relating to the valuation of the object) which may be relevant to the proposal or
- (b) under section 8(2B) requests the Chapter to consult the Council of the cathedral, if it has not already done so, and to inform the Commission of the Council's views on the proposal,

the secretary of the Commission shall within 7 days of receiving it—

- (i) copy the advice received from the Church Commissioners, and
- (ii) copy the written views of the Council

to those specified in rule 7(4)(a) and (b) and shall give them the opportunity to send comments on the advice in paragraph (i) or the Council's views in paragraph (ii) to the Commission within 28 days of the date on which the copy in question was sent to each of them.

Application to fabric advisory committee: sale, loan, disposal of, or work to object of interest

15. Rule 5 shall apply to any application to a fabric advisory committee under rules 12(b) or 13(b).

Application to Commission: sale, loan or disposal of treasure.

16. Schedule 1 to these rules shall have effect in relation to objects which are found within the precinct of a cathedral and which are or may be objects which, but for an order under section 2(2) of the Treasure Act 1996, would be treasure within the meaning of section 1, as supplemented by section 3, of that Act.

PART 8

Request for review by Commission of Review

Commission of Review: Application to Commission following non-determination by fabric advisory committee

17.—(1) Where under section 9(2) a Chapter has requested the Commission to deal with an application by the Chapter which has not been determined by the fabric advisory committee and the Commission has refused to give its approval, or has given its approval subject to conditions, the Chapter may request that the decision of the Commission be reviewed by a Commission of Review.

(2) Any request under sub-rule (1) shall be—

(a) made by notice in writing in Form 19 in Schedule 2 and be sent or delivered to the provincial registrar within 3 months of the date when notice of the Commission's decision was sent or delivered to the Chapter under rule 6(5);

(b) accompanied by copies of the documents referred to in rule 5(1) and (2) and a copy of the written decision of the Commission.

(3) Rule 19(3) shall apply to this rule.

(4) Within 7 days of receipt of a copy of the notice of request under sub-rule (2), the secretary of the Commission shall send or deliver to the provincial registrar copies of any representations in writing made to the fabric advisory committee under rule 5(2) and any comments made under rule 5(3)(b) which were sent to the Commission in accordance with rule 6(3).

(5) Rule 19(5) and (6) shall apply to this rule.

Commission of Review: Non-determination by Commission

18.—(1) Where the Commission has not determined—

(a) a Chapter's application for approval within the 3 months specified in rule 7(8), or

(b) a Chapter's request under section 9(2) for the Commission to deal with an application (where it has not been determined by the fabric advisory committee) within the period specified in rule 6(4); or

(c) a Chapter's appeal to the Commission under section 9(1) within one of the periods specified in rule 8(4)

then under section 10(2) the Chapter may request that the application under paragraphs (a) or (b), or the appeal under paragraph (c), be dealt with by a Commission of Review.

(2) Any request under sub-rule (1) shall be made by notice in writing in Form 20 in Schedule 2 and be sent or delivered to the provincial registrar within 28 days after the expiry of the period referred to in sub-rules (1)(a), (b) or (c) as the case may be.

(3) Any request for a review under this rule shall be accompanied—

(a) in the case of a request under sub-rule (1)(a), by copies of the documents referred to in rule 7(1), and rule 19(3) and (4) shall apply to this rule;

(b) in the case of a request under sub-rule (1)(b), by copies of the documents referred to in rule 5(1) and (2), and rule 19(3) shall apply to this rule;

(c) in the case of a request under sub-rule 1(c), by copies of the documents referred to in rule 8(1)(a) and (b), and rule 19(3) shall apply to this rule.

(4) A Commission of Review in dealing with a request under sub-rule (1)(a) or (b) shall consider the case for the Chapter and all representations relating to the proposal and shall determine whether to give its approval to the proposal either unconditionally or subject to such conditions as it may specify or whether to refuse to give its approval, and if approval is refused or given subject to conditions the Commission of Review shall give its reasons in writing in its decision.

(5) A Commission of Review in dealing with a request under sub-rule (1)(c) shall review the decision of the fabric advisory committee and may reverse, confirm or vary that decision.

(6) Rule 19(6) shall apply to this rule.

Commission of Review: Application for approval made by Chapter to Commission

19.—(1) Where a Chapter has applied for approval of a proposal by the Commission under rule 7 or under paragraph 6 of Schedule 1 and the Commission has refused to give its approval, or has given its approval subject to conditions, the Chapter may request that the decision of the Commission be reviewed by a Commission of Review.

(2) Any request under sub-rule (1) shall be—

- (a) made by notice in writing in Form 21 in Schedule 2 and be sent or delivered to the provincial registrar within 3 months of the date when notice of the Commission's decision was sent or delivered to the Chapter under rule 7(9);
 - (b) accompanied by copies of the documents referred to in rule 7(1) and (2) and a copy of the notice of decision of the Commission.
- (3) At the same time as sending or delivering the Chapter's notice of request under sub-rule (2)(a), the administrator shall send or deliver a copy of the notice to—
- (a) the Commission;
 - (b) the fabric advisory committee;
 - (c) English Heritage;
 - (d) the national amenity societies (or such person as those societies may jointly appoint for the purposes of the Measure); and
 - (e) if the proposal is of a kind described in section 2(1)(a), to the local planning authority;
- and the administrator shall inform each of the bodies in paragraphs (a) to (e) as applicable in writing that any representation in relation to the Chapter's notice of request for a review should be sent in writing to the provincial registrar within 28 days of the date of sending or delivering of the notice by the administrator to that body.
- (4) Within 7 days of receipt of a notice under sub-rule (3)(a), the secretary of the Commission shall send or deliver to the provincial registrar—
- (a) copies of any representations in writing made to the Commission under rule 7(2) or under paragraph 6(5) of Schedule 1;
 - (b) copies of any comments made to the Commission by any of the bodies in rule 7(4)(a) to (c) or under paragraph 6(7) or (8) of Schedule 1;
 - (c) a copy of the views, if any, of the fabric advisory committee given to the Commission under rule 7(5) or paragraph 6(6) of Schedule 1;
 - (d) if the proposal is for the sale, loan or other disposal of an object falling within section 6(1)(a)(iv), copies of the advice, if any, of the Church Commissioners and the views of the Council, if any, under rule 14(2);
 - (e) a copy of a report in writing of any public hearing held by the Commission under rule 23(4).
- (5) A Commission of Review shall review the decision of the Commission and may reverse, confirm or vary that decision in whole or in part.
- (6) Within 10 days of the decision of the Commission of Review the provincial registrar shall send or deliver a notice of the decision in Form 24 in Schedule 2 to the Chapter and those specified in sub-rule (3)(a) to (e) of this rule, as applicable, and the administrator shall within 7 days of receipt of the notice display a copy of it in accordance with rule 7(10).

Commission of Review: Appeal by Chapter to Commission

20.—(1) Where a Chapter has appealed to the Commission under section 9(1) and the Commission has refused to give its approval or has refused to reverse or vary conditions subject to which approval was given by the fabric advisory committee, the Chapter may request that the decision of the Commission be reviewed by a Commission of Review.

- (2) Any request under sub-rule (1) shall be—
 - (a) made by notice in writing in Form 23 in Schedule 2 and be sent or delivered to the provincial registrar within 3 months of the date when notice of the Commission's decision was sent or delivered to the Chapter under rule 8(5);
 - (b) accompanied by copies of the documents referred to in rule 8(1)(a) and (b) and a copy of the written decision of the Commission.
- (3) Rule 19(3) shall apply to this rule.

(4) A Commission of Review shall review the decision of the Commission and may reverse, confirm or vary that decision in whole or in part.

(5) Rule 19(6) shall apply to this rule.

Request to Commission of Review by a tenant

21.—(1) Where the Commission, on an application under rule 7 or an appeal under rule 9, refuses approval for a proposal from a Chapter for the carrying out of works by a tenant for which the Chapter's consent is required, or gives approval subject to conditions, the secretary of the Commission shall within 10 days of the Commission's decision send or deliver a notice of the decision in Form 10 to the Chapter and to the tenant.

(2) Within 28 days of receipt of the notice under sub-rule (1) the Chapter may by notice in writing in Form 23 in Schedule 2 given to the provincial registrar request that the decision of the Commission be reviewed by a Commission of Review and shall send or deliver to the provincial registrar—

- (a) a copy of the application in Form 3 for approval of the proposal for the carrying out of works by a tenant;
- (b) copies of any plans, drawings, specifications and other documents which accompanied the application; and
- (c) a copy of the decision of the Commission upon the proposal.

(3) If the Chapter decides not to request a review under sub-rule (2), then the administrator shall immediately notify the tenant in writing of the Chapter's decision and the tenant may, within 28 days of the date of notification, make a request in Form 23 to the Commission of Review to review the decision of the Commission.

(4) Where a tenant alone requests a review under sub-rule (3) the tenant shall—

- (a) send or deliver to the provincial registrar—
 - (i) a copy of the application for the proposal for the carrying out of works by the tenant;
 - (ii) copies of any plans, drawings, specifications and other documents which accompanied the application;
 - (iii) a copy of the decision of the Commission on the proposal,
- (b) write to the Chapter informing the Chapter of the tenant's request for a review of the Commission's decision by the Commission of Review.

(5) If the Chapter decides to request a review under sub-rule (2) the tenant may also do so and shall request a review in Form 23 in the name of the tenant, but the Chapter shall send or deliver to the provincial registrar the documents referred to in sub-rule (2).

(6) The Chapter shall be entitled to be heard at a public hearing held by the Commission of Review whether or not the Chapter has requested a review under sub-rule (2).

(7) The Commission of Review may reverse, confirm or vary the decision of the Commission in whole or in part and its decision shall be given in writing in Form 24 in Schedule 2.

PART 9

Procedure and Evidence

Procedure of fabric advisory committee

22.—(1) Subject to complying with the requirements of paragraphs 10 to 14 inclusive of Schedule 2 to the Measure, the fabric advisory committee may regulate its own procedure.

(2) Subject to sub-rules (3) to (5) of this rule, meetings of the fabric advisory committee shall be held in private.

(3) The dean of the cathedral, the administrator and such other members of the Chapter as, after consulting the fabric advisory committee, the Chapter considers appropriate, shall be entitled to attend and to speak at meetings of the fabric advisory committee or such meetings of the fabric advisory committee as may be specified by the Chapter, but no such person shall be entitled to vote.

(4) It shall be the duty of the cathedral architect or surveyor of the fabric and the person (if any) holding office as cathedral archaeologist to attend meetings of the fabric advisory committee unless the chair permits or directs otherwise.

(5) The fabric advisory committee, if it sees fit, may invite any person to attend a meeting or meetings of the fabric advisory committee for the duration of consideration of a particular item and any such person shall be entitled to attend and speak but not to vote at any such meeting.

Procedure of Commission

23.—(1) The chair of the Commission, or a member of the Commission duly authorised to act on behalf of the chair, may give directions as to procedure relating to matters to be considered by the Commission, whether or not any person has made an application for directions.

(2) Where the Commission is considering a request under rule 6 or an appeal under rules 8 or 9 no member of the Commission who is also a member of the fabric advisory committee against whose decision or non-determination the appeal is brought shall participate in the proceedings.

(3) Any matter to be determined by the Commission under these rules shall be decided by a majority of the members present and voting and in the event of an equal division of votes, the chair shall have a second or casting vote.

(4) The Commission, if it sees fit, may hold a public hearing in connection with any matter to be considered by it for the purpose of receiving oral representations from members of the public provided that—

- (a) notice of the date and place of the public hearing is displayed inside and outside the cathedral concerned where it is readily visible to the public for a period of not less than 28 days;
- (b) not less than 28 days beforehand, the secretary of the Commission notifies the Chapter of the date and place of the public hearing.

(5) For the purpose of a public hearing under sub-rule (4) the Commission may appoint a panel of not less than three members of the Commission and it shall be the duty of the panel—

- (a) to hold a public hearing on the date and at the place specified in sub-rule (4) or as varied under sub-rule (6), and
- (b) within 28 days after the conclusion of the public hearing to provide the Commission with a written report about it.

(6) The chair of the Commission, or a member of the Commission duly authorised to act on behalf of the chair or as chair of a panel appointed under sub-rule (5) may vary the date or place of any public hearing or adjourn the public hearing to a later date provided that not less than 10 days notice of the same shall be given in accordance with the requirements in sub-rule (4)(a) and (b).

Procedure of Commission of Review and orders as to costs

24.—(1) A Commission of Review shall sit in public and may receive such representations, if any, as it thinks fit.

(2) Subject to the provisions of this rule and to any directions as to procedure given by the General Synod, a Commission of Review shall have power to regulate its own procedure.

(3) The Dean of the Arches and Auditor or the person appointed by the Dean under section 10(3)(a) may, whether or not an application has been made by any person, give directions as to any matter of procedure relating to proceedings before the Commission of Review, including (without prejudice to the generality of the foregoing) directions fixing or varying the date or place of any sitting of the Commission of Review.

(4) A Commission of Review may make such orders—

(a) for the payment of costs by any person, including administrative expenses in connection with the hearing of an appeal or the conduct of a review under these rules, expenses incurred by members of the Commission of Review in relation thereto, and any fees for the same as may be fixed by the Fees Advisory Commission under the Ecclesiastical Fees Measure 1986⁽⁹⁾;

(b) for the giving of security for costs by any person concerned,

as seem to the Commission of Review to be just.

(5) Sections 60(3) and 61 of the Ecclesiastical Jurisdiction Measure 1963⁽¹⁰⁾ shall apply in relation to any order for the payment of costs under sub-rule 4(a) of this rule as they apply in relation to an order or direction for payment of, or award of, costs under section 60 of the said Measure.

(6) In paragraph (4) of this rule “costs” includes fees, charges, disbursements, expenses and remuneration.

Declaration of personal interest

25.—(1) At any meeting of the Commission or a fabric advisory committee, a member who has a personal interest in any item to be discussed at that meeting shall—

(a) declare it no later than immediately before the item is to be discussed, and

(b) withdraw from the meeting for the whole of the discussion and vote (if any)

save that where the chair of the meeting is satisfied that it would assist the members present to be informed as to some matters of fact, the chair may permit the member with a personal interest to remain at the meeting at the commencement of the discussion on the item in order to provide factual information and thereafter that member shall withdraw from the meeting.

(2) If at any meeting of the Commission or a fabric advisory committee the chair or vice-chair of the Commission or the chair of the fabric advisory committee has a personal interest in any item to be discussed at that meeting then the chair or vice-chair, as the case may be, shall—

(a) declare it no later than immediately before the item is to be discussed,

(b) withdraw from the meeting for the whole of the discussion and vote (if any), and

(c) whichever of the chair or vice-chair of the Commission has no personal interest in the item shall chair the meeting for that item, and in the case of the fabric advisory committee a member elected by the fabric advisory committee shall act as chair of the meeting for that item, and

(d) if the person chairing the meeting under paragraph (c) is satisfied that it would assist members present to be informed as to some matters of fact, the chair of the meeting may permit the chair or vice-chair of the Commission or the chair of the fabric advisory committee, as the case may be, with a personal interest to remain at the meeting at the commencement of the discussion on the item in order to provide factual information and thereafter the chair or vice-chair or chair of the fabric advisory committee, as the case may be, shall withdraw from the meeting.

Evidence

26. For the purposes of any application, appeal, request or other matter under these rules a fabric advisory committee, the Commission or a Commission of Review—

(a) may receive oral, documentary or other evidence of any fact or matter which appears to it to be relevant to the matter before it; and

(b) may receive oral evidence which is not given upon oath or affirmation.

⁽⁹⁾ 1986 No.2.

⁽¹⁰⁾ 1963 No.1.

PART 10

Registers of applications to fabric advisory committee and Commission

Register of applications

27.—(1) The Commission and every fabric advisory committee shall each keep a register of applications made to it under the Measure.

(2) The register kept by a fabric advisory committee shall be in Form 25 in Schedule 2 and shall be in the custody of the secretary of the fabric advisory committee but a copy of the register shall be held at the office of the Chapter concerned where—

- (a) it shall be available for inspection by any person free of charge by prior arrangement;
- (b) on prior application by telephone or otherwise a person shall be supplied with one or more extracts of that part of the register relating to an application for approval specified by that person;
- (c) on prior application by telephone or otherwise a person may be supplied with parts of the register additional to the extracts in paragraph (b) or a copy or copies of the whole register.

(3) A person applying for extracts of the register under sub-rule (2)(b) or copies of further parts or of the whole register under sub-rule (2)(c) shall pay such fee per extract or copy as shall be fixed from time to time by the fabric advisory committee under section 10B(2) and the list of fees payable shall be made publicly available in the office of the Chapter.

(4) The register kept by the Commission shall be in Form 26 in Schedule 2 and shall be in the custody of the secretary of the Commission and shall be available at the office of the Commission—

- (a) for inspection by any person free of charge by prior arrangement;
- (b) on prior application by telephone or otherwise a person shall be supplied with one or more extracts of that part of the register relating to a particular application for approval;
- (c) on prior application by telephone or otherwise a person may be supplied with parts of the register additional to the extracts in paragraph (b) or a copy or copies of the whole register.

(5) Sub-rule (3) shall apply to the Commission in respect of fees for applications under sub-rule (4)(b) and (c) with the substitution of the Commission for any reference to the fabric advisory committee.

PART 11

Inventories and cathedral records

Inventories

28.—(1) It is the duty of a Chapter under section 13(1) to compile and maintain an inventory the purpose of which is to—

- (a) identify and record any object considered by the fabric advisory committee to be of architectural, archaeological, artistic or historic interest which is owned by or in the possession or custody of the corporate body or to the possession or custody of which the corporate body is entitled notwithstanding that the object is for the time being in the possession or custody of another person or body;
- (b) note the designation by the fabric advisory committee, after consultation with the Commission, of those objects in the inventory considered to be of outstanding architectural, archaeological, artistic or historic interest;

- (c) record in the inventory any new acquisition by the corporate body, whether by purchase or gift, of an object considered by the fabric advisory committee to be of architectural, artistic or historic interest, and to note any designation of such object under paragraph (b);
- (d) aid the proper care, conservation and security of the objects included in the inventory;
- (e) record the loan, sale, disposal or loss of any object entered in the inventory.

(2) For the purpose of consideration by the fabric advisory committee of objects suitable for inclusion in the inventory an object shall be treated as including, in particular, movable and removable items and contents such as ornaments, furnishings and fittings, books and manuscripts, displaced architectural and archaeological materials, musical instruments and other artefacts of interest.

(3) The period within which a Chapter shall complete the compilation of an inventory is to be determined by the Commission after consultation with the Chapter and the fabric advisory committee and shall be such period as the Commission considers reasonable having regard to the particular circumstances of each case and different periods may be specified by the Commission for different parts of the inventory.

(4) In the interest of security, where an inventory is compiled and maintained in any electronic form all relevant files or other records of information in electronic form which are prepared for the purpose of, or in connection with, the compilation or maintenance of that inventory, including any updating, amendment or new recording under sub-rule (6) of this rule, shall be securely stored in accordance with such advice as may be published from time to time by the Commission.

(5) The inventory is an important record in relation to the cathedral, and (whether or not it is compiled and maintained in any electronic form)—

- (a) two copies in writing of the inventory shall be made and maintained in securely bound volumes (which may include a separate volume for recording any new acquisition within sub-rule (1)(c)); and
- (b) both of these copies shall be kept in a secure place, one within and the other outside the cathedral precinct, approved for that purpose by the Chapter.

(6) When information in the inventory requires to be updated or amended under sub-rule (1) or otherwise the updating or amendment shall as soon as reasonably practicable be done in identical terms—

- (a) in both copies of the relevant volume made and maintained in writing under sub-rule (5)(a); and
- (b) where the inventory is also compiled and maintained in electronic form, in that inventory.

(7) A photographic record of objects recorded in the inventory shall be bound into or retained as part of a loose leaf collection in conjunction with the inventory except where in a particular case the fabric advisory committee informs the Chapter in writing that it considers it unreasonable to require the provision of such a record of a particular object or group of objects.

(8) All entries in an inventory shall be made in accordance with such general or special directions as may be issued by the Commission from time to time for the purpose of section 13(1) and in compiling and maintaining the inventory the Chapter shall have regard to any advice as to details of the form of the inventory which may be issued by the Commission from time to time.

(9) In the interests of security access to the inventory or any part of it shall be limited to those persons who have been expressly authorised in writing by the Chapter and who at the time of inspection of the inventory provide such authorisation and such documentary evidence of personal identification as the Chapter may require.

(10) The Chapter shall make an annual report to the fabric advisory committee on the contents of the inventory or on progress made in compiling the inventory, which shall, in particular, certify the accuracy of the inventory, or any part of it which has been compiled, and describe any alterations which have been made to the inventory during the 12 months preceding the report.

Making and storing cathedral records

29. In carrying out the duty under section 14B of making and maintaining a permanent record of works carried out in the previous year of which a permanent record should, in the opinion of the cathedral architect or surveyor of the fabric, or the cathedral archaeologist, be maintained, the Chapter shall—

- (a) have regard to any directions made and any advice given by the Commission as to the classification and storage of records whether in writing or in any electronic form; and
- (b) consult the fabric advisory committee about the method and place of storage for any of those records.

PART 12

Miscellaneous and General

Sending or delivering documents

30. Any document required or authorised by the Measure or these rules to be sent or delivered to any person or body shall be sent or delivered to the usual or last known address of that person or body by any of the following means—

- (a) by first class post,
- (b) by leaving it at that address,
- (c) by document exchange by leaving it addressed to that person or body's numbered box at the DX of that person or body,
- (d) by electronic means.

Copies of documents

31.—(1) Where under these rules a Chapter has made an application to a fabric advisory committee or to the Commission for approval of a proposal, any person or body may request the Chapter concerned to supply a copy or copies of the application and any accompanying plans, drawings, specifications or other documents supplied by the Chapter under rules 5(1) or 7(1) respectively.

(2) Save where these rules provide for a copy of any of the items specified in sub-rule (1) to be supplied to any person or body free of charge, the Chapter shall be entitled to request prior payment of a reasonable fee fixed by it (including the cost of copying, postage and packing where appropriate) for a copy or copies of any of the said items, and upon receipt of such fee the Chapter shall send or deliver the copy or copies requested to the person or body concerned by one of the means specified in rule 30.

Date for compliance

32. Where any direction under these rules imposes a time limit for doing an act, the last date for compliance shall wherever practicable be expressed as a calendar date and include the time of day by which the act must be done.

Irregularities

33. Where there has been an irregularity or error of procedure such irregularity or error does not invalidate any step taken in any application, appeal or review unless the Commission or Commission of Review so holds, and the chair of the Commission or the Dean of the Arches and Auditor may give directions to cure or waive the irregularity or error of procedure.

*S M C Cameron
T Briden
T Cawkwell
J M Haselock
W Hawkes
J L Humphreys
D T Isaac
P F Johnson
P S M Judd
L P M Lennox
M Llewellyn Smith
J W S Litten
+I Petriburg:
V J H Rees
R P Reiss
J Rodgers
J D Tetley*

Church House, London
[] July 2006

David Williams
Clerk to the Synod
Approved by the General Synod on

SCHEDULE 1

TREASURE

Interpretation

1.—(1) In this Schedule—

“designated person” means any such person or body as the Secretary of State may designate for the purpose of receiving notification under section 6A(3);

“object of treasure” means an object declared by the Vicar-General to be treasure under paragraph 3 below;

“potential treasure object” means an object which appears to be treasure or in respect of which there is a reasonable possibility of its being treasure;

“specified museum” means the British Museum or a registered museum nominated by the British Museum under section 6A(4)(b) in relation to the object of treasure concerned;

“treasure” means an object which would, but for an order under section 2(2) of the Treasure Act 1996, be treasure within the meaning of section 1, as supplemented by section 3, of that Act, and which is found within the precinct of a cathedral; and

“the Vicar-General” means the Vicar-General of the province in which the cathedral concerned is situated.

(2) If at any time the cathedral concerned has no cathedral archaeologist, any reference in sub-paragraphs 2(1) and (3) and 3(1) below to the cathedral archaeologist shall be treated as a reference to such archaeologist with appropriate expertise and experience for the purposes of those paragraphs as the Chapter may from time to time determine.

Preliminary arrangements and notification in relation to objects which may be treasure

2.—(1) Where an object is discovered within the precinct and it falls within criteria published from time to time by the Commission, after consultation with the Secretary of State, as to preliminary consideration of an object as a potential treasure object, then as soon as reasonably practicable—

- (a) the discovery of the object and a preliminary description of the object shall be notified to the administrator by or on behalf of the person who discovers the object;
- (b) the administrator shall notify the cathedral archaeologist (if and in so far as he or she is not already aware of it) of the information received under paragraph (a) above;
- (c) the administrator shall ensure that such information in relation to the object as the cathedral archaeologist may advise is recorded in writing; and
- (d) the cathedral archaeologist, after examining the object and taking such advice, if any, as he or she thinks necessary, shall notify the Chapter and the administrator in writing whether in his or her opinion it is or is not, as the case may be, a potential treasure object.

(2) The Chapter shall take all reasonable steps to ensure that the requirements of sub-paragraph (1) above are complied with.

(3) On receiving notification in writing from the cathedral archaeologist under paragraph (1)(d) above that an object discovered within the precinct is a potential treasure object, the administrator shall—

- (a) within 14 days notify the Commission in writing of the discovery;
- (b) as soon as reasonably practicable obtain expert advice as to the conditions which are appropriate for the preservation of the object, and ensure that it is kept in secure and appropriate conditions having regard to that advice; and

- (c) as soon as reasonably practicable arrange for the object to be recorded in the inventory maintained under rule 28 of these rules and designated as treasure in that inventory in accordance with directions issued by the Commission.

(4) On receipt by the Commission of any written notification from the administrator under paragraph (3)(a) above, the secretary to the Commission shall report the discovery of the potential treasure object, in writing, to—

- (a) the Secretary of State or the designated person if any; and
- (b) the Vicar-General.

Determination whether object is treasure

3.—(1) In order to ascertain whether or not a potential treasure object is treasure, the administrator shall—

- (a) within 28 days after receiving notification from the cathedral archaeologist under paragraph 2(1)(d) above that an object found within the precinct is a potential treasure object, seek expert advice in writing from the British Museum (and if the Chapter thinks fit, one or more other suitably qualified persons or bodies) as to the nature and age of the object and any other matters which appear to be relevant to whether it is treasure; and
- (b) within 7 days of receiving such advice—
 - (i) send the advice, the information recorded under paragraph 2(1)(c) above, and a copy in writing of any other information which the cathedral archaeologist advises may be relevant, to the Vicar-General with a request in writing to the Vicar-General to determine whether the object is treasure; and
 - (ii) send to the Commission copies of the documents sent to the Vicar-General.

(2) On receiving a request under paragraph (1)(b)(i) above, the Vicar-General may direct the Chapter to obtain and supply further information or expert advice or both in relation to the object.

(3) The administrator shall send to the Commission copies of any such directions by the Vicar-General and of any information or advice supplied by the Chapter to the Vicar-General in response to them.

(4) The Vicar-General shall, when satisfied that the Chapter has obtained and supplied appropriate information and expert advice, make a declaration in writing, having regard to that information and advice, stating that the object is or is not treasure, as the case may be, and shall send copies of the declaration to both the administrator and the Commission.

(5) On receipt by the Commission of a copy of any declaration by the Vicar-General under subparagraph (4) above, the secretary to the Commission shall send a copy to the Secretary of State or to the designated person if any.

(6) The Chapter shall ensure that as soon as reasonably practicable any amendments which are necessary or appropriate in consequence of a declaration by the Vicar-General under subparagraph (4) above are made in the inventory maintained under rule 28 of these rules in accordance with directions issued by the Commission.

Display of treasure and access by the public

4.—(1) The Chapter shall, wherever and so far as it is reasonably practicable to do so, ensure that any object of treasure discovered within the precinct of the cathedral concerned is made available to be viewed by members of the public in conditions which are secure and appropriate for its preservation.

(2) In the interests of the security and preservation of objects of treasure any inspection of such an object by a member or members of the public on a individual basis shall be limited to those persons who have been expressly authorised in writing by the Chapter for that purpose and who at the time of inspection provide such documentary evidence of personal identification as the Chapter may reasonably require.

(3) In sub-paragraphs (1) and (2) above “member of the public” means a person other than an officer of the cathedral or other person carrying out work for the cathedral (whether or not on a paid basis) who is viewing or inspecting the object of treasure concerned in connection with the functions of that office or for the purposes of that work.

Work to object of treasure

5.—(1) An application by a Chapter for approval of a proposal for the carrying out of work to an object of treasure which would materially affect the architectural, archaeological, artistic or historic interest of the object, shall—

- (a) if the object has been designated by the fabric advisory committee under section 13(2) as being of outstanding architectural, archaeological, artistic or historic interest, be made to the Commission; and
- (b) if the object is not within sub-rule (a) of this paragraph, be made to the fabric advisory committee.

(2) Rule 5 of these rules shall apply to an application to the fabric advisory committee under paragraph (1)(b).

(3) Rule 7 of these rules shall apply to an application to the Commission under paragraph (1)(a).

Sale, loan or disposal of object of treasure

6.—(1) There shall be no sale, loan or disposal of an object of treasure unless it has been approved by the Commission.

(2) An application to the Commission for the approval of a proposal involving the sale, loan or disposal of an object of treasure shall be made only after the Chapter has consulted the fabric advisory committee.

(3) An application to the Commission for the approval of a proposal involving the sale or other disposal (other than a loan) of an object of treasure shall be made only after the Chapter—

- (a) has supplied to the British Museum photographs and a description of the object, and has requested it to inform the Chapter in writing within four weeks (or such other period as may be agreed between the Chapter and the British Museum) which museum is to be the specified museum in relation to the object; and, if that museum is to be the British Museum, whether it is interested in acquiring the object; and
- (b) if the specified museum is not to be the British Museum, has supplied to the specified museum photographs and a description of the object and has requested the specified museum to inform the Chapter in writing within four weeks (or such other period as may be agreed between the Chapter and the specified museum) whether it is interested in acquiring the object.

(4) An application to the Commission for the approval of a proposal involving the sale, loan or disposal of an object of treasure shall—

- (a) be made in writing in Form 16 in Schedule 2 particularising the proposed sale, loan or other disposal of the object;
- (b) be accompanied by photographs and a detailed description of the size, features and history (where known) and the significance of the object; and
- (c) where the proposal is for the sale or other disposal of the object (other than a loan), be accompanied by copies of the correspondence between the Chapter and the British Museum as to which museum is to be the specified museum in relation to the object concerned, and copies of the correspondence between the Chapter and the specified museum as to the interest of that museum in purchasing or otherwise acquiring the object if the Commission were to approve the Chapter’s proposal.

(5) At the same time as an application referred to in sub-paragraph (4) is made to the Commission the administrator shall display for a period of 28 days inside and outside the cathedral where it is readily visible to the public a notice in Form 17 in Schedule 2 which—

- (a) gives particulars of the proposals;
- (b) identifies an address at which the items referred to in sub-paragraph (4)(b) and (c) can be inspected; and
- (c) states that representations in writing in respect of the proposal may be sent to the secretary of the Commission at the address of the Commission no later than 28 days from the date of the notice.

(6) At the same time as an application referred to in sub-paragraph (4) is made to the Commission the administrator shall send or deliver a copy of the notice in Form 17 to the fabric advisory committee.

(7) At the same time as an application referred to in sub-paragraph (4) is made to the Commission the administrator shall send or deliver a copy of the notice in Form 17 together with copies of the items referred to in sub-paragraph (4)(b) and (c) to—

- (a) English Heritage; and
- (b) the national amenity societies (or such person as those societies may jointly appoint for the purposes of the Measure).

(8) Before determining the application the Commission shall give the Chapter not less than 21 days within which to comment on any representations made to the Commission under sub-paragraphs (5), (6) and (7) and the Chapter shall be entitled to have copies of such representations for the purpose of deciding whether or not to comment upon them.

Decision

7.—(1) Immediately after the expiry of 28 days following display of the notice required by paragraph 6(5) the administrator shall complete the certificate of publication in Form 17 and send or deliver it to the secretary of the Commission at the address of the Commission.

(2) Within a period not exceeding 3 months after the expiry of the period given to the Chapter to comment under paragraph 6(8) (or, if no representations are received in respect of the proposal, after the expiry of the period for representations specified in the notice in Form 17), the Commission shall consider the representations and comments, if any, received under paragraph 6(5), (6), (7) and (8) and shall decide whether to give its approval to the Chapter's proposal, either unconditionally or subject to such conditions as it may specify, or whether to refuse to give its approval.

(3) Within 10 days of the Commission's decision the secretary of the Commission shall send or deliver a notice of the decision in Form 18 in Schedule 2 to—

- (a) the Chapter;
- (b) the fabric advisory committee;
- (c) English Heritage;
- (d) the national amenity societies (or such person as those societies may jointly appoint for the purposes of the Measure); and
- (e) the Secretary of State or the designated person if any.

(4) The administrator shall within 7 days of receipt of the notice sent or delivered to the Chapter under sub-paragraph (3), display a copy of the notice inside and outside the cathedral where it is readily visible to the public for a period of not less than 28 days.

Opportunity for museum to purchase object of treasure

8.—(1) If the Commission decides to approve a proposal for the sale or other disposal of an object of treasure other than a loan, and other than a disposal to the specified museum on terms already agreed with that museum, then unless the specified museum has confirmed in writing that it has no interest in purchasing the object, the Commission shall—

- (a) specify a reasonable period of time, which shall not be less than 4 months after the purchase price to be paid on a purchase by the specified museum under section 6A(4)(b)

has been determined under sub-paragraph (3) below, during which the specified museum shall have the opportunity to purchase the object at the purchase price so determined; and

- (b) direct that upon the expiry of such period without such purchase having taken place (or upon the specified museum confirming in writing that it does not wish to purchase the object, if sooner) the object may be sold in accordance with the proposal approved by the Commission subject to any conditions specified by the Commission under paragraph 7(2) above.

(2) The Commission shall have power from time to time, on the application of either the Chapter or the specified museum or both jointly, to extend the period specified under sub-paragraph (1)(a) above as it considers reasonable in the circumstances, and if the Commission refuses any such application the applicant or applicants may apply to the Vicar-General, who shall have the like power to extend that period.

(3) If the Commission gives its approval to any such proposal as is referred to in sub-paragraph (1) above the following provisions shall then apply for the purpose of determining the price (in this paragraph referred to as “the purchase price”) to be paid for the object of treasure concerned on a purchase by the specified museum under section 6A(4)(b)—

- (a) the Chapter and the specified museum may each obtain written valuations from one or more independent valuers with experience of the market nationally and internationally;
- (b) the Chapter and the specified museum shall jointly request a valuation from any independent panel of experts for the time being established or approved by the Secretary of State for the purpose of establishing the market value of objects under section 10 of the Treasure Act 1996 and shall supply to that panel copies of any valuations obtained under paragraph (a) above;
- (c) if any such panel as is referred to in paragraph (b) above provides such a valuation, then subject to paragraphs (d) and (e) below that valuation shall be the purchase price;
- (d) if—
 - (i) there is no such panel; or
 - (ii) any such panel declines to provide such a valuation; or
 - (iii) any such panel provides such a valuation but within 14 days of receiving the valuation either the Chapter or the specified museum or both declare in writing that it or they wish the matter to be referred to the Vicar-General;

the Chapter and the specified museum (or, in the case of a reference following a valuation within paragraph (c) above, whichever of them has declared a wish for such a reference) shall refer the determination of the purchase price to the Vicar-General.

- (e) On any such reference to the Vicar-General—
 - (i) the Chapter and the specified museum shall submit to the Vicar-General any valuations obtained under paragraph (a) above, any valuation within paragraph (b) above and any further written valuation or valuations obtained by either the Chapter or the specified museum from such independent valuers as are referred to in paragraph (a) above;
 - (ii) the Vicar-General may issue any such directions as he or she thinks fit for the purpose of the reference; and
 - (iii) when the Vicar-General is satisfied that he or she has been supplied with sufficient information he or she shall determine the purchase price and notify it in writing to the Chapter, the specified museum and the Commission.
- (f) On receipt by the Commission of notification of a determination by the Vicar-General of the purchase price under paragraph (e)(iii) above, the secretary to the Commission shall send a copy to the Secretary of State or to the designated person if any.

SCHEDULE 2

FORMS

ARRANGEMENT OF FORMS

PART 1

Forms 1 and 2: Preliminary Determinations

PART 2

Forms 3 to 7: Application to fabric advisory committee

PART 3

Forms 8 to 14: Application or Appeal to Commission

PART 4

Form 15: Notice of proposed application for Listed Building Consent or Scheduled Monument Consent

PART 5

Forms 16 to 18: Treasure

PART 6

Forms 19 to 24: Request for review by Commission of Review

PART 7

Forms 25 and 26: Registers of applications to fabric advisory committee and Commission

PART 1

Forms 1 and 2: Preliminary Determinations

FORM 1 (Rule 3)

Care of Cathedrals Measure 1990 (as amended)

Request under section 6(2) of the Measure as to the body from which approval of a proposal is required

To the Cathedrals Fabric Commission (“the Commission”)

**Delete as appropriate. Insert name of cathedral.*

We the *Chapter/ *Fabric Advisory Committee of the Cathedral Church of:

.....

Insert full postal address and contact telephone and fax numbers and e-mail address.

Postal address, including postcode of the administrator, secretary of the Fabric Advisory Committee or any other person dealing with the application:

.....
.....
.....

Telephone number:.....

Fax number:.....

E-mail address:.....

request the Commission:

to determine whether an application for the proposal described below should be made to the Fabric Advisory Committee or to the Commission.

The Proposal

Give a short description of the nature of the proposal.

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Plans, drawings, specifications or other documents

The proposal is adequately illustrated by the following items which accompany this form:

List and number the items.

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Signed:

**Delete as appropriate.*

***Administrator/ *Secretary of Fabric Advisory Committee**

**Delete as appropriate.*

on behalf of the *Chapter/ *Fabric Advisory Committee

Dated:

<p style="text-align: center;"><u>Note:</u> This form and all the accompanying items listed in it should be sent to the secretary of the Cathedral Fabric Commission at the Commission’s published address.</p>
--

FORM 2 (Rule 4)

Care of Cathedrals Measure 1990 (as amended)

Request under section 6(2C) of the Measure for a declaration that no approval is required under the Measure

To the Cathedrals Fabric Commission (“the Commission”)

The Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

Insert full postal address and contact telephone and fax numbers and e-mail address.

Postal address, including postcode of the administrator or any other person dealing with the application:

.....
.....
.....

Telephone number:

Fax number:

E-mail address:

requests the Commission to declare that no approval is required under the Measure for the proposal described below, which

(i) does not relate to the Cathedral Church or a building within the precinct of the Cathedral Church, but

(ii) would materially affect the immediate setting of the cathedral church, or archaeological remains within the precinct, and

*Delete if not applicable.

(iii) requires *planning permission/ *listed building consent/ *scheduled monument consent for the carrying out of all the works to which the proposal relates.

The Proposal

Give a short description of the nature of the proposal.

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Plans, drawings, specifications or other documents

The proposal is adequately described by the following items which accompany this form:

List and number the items.

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.....

Signed:

Administrator on behalf of the Chapter

Dated:

<p style="text-align: center;"><u>Note:</u> This form and all the accompanying items listed in it should be sent to the secretary of the Cathedral Fabric Commission at the Commission's published address.</p>

PART 2

Forms 3 to 7: Application to fabric advisory committee

FORM 3 (Rule 5)

Section 7 of Care of Cathedrals Measure 1990 (as amended)

Application to the Fabric Advisory Committee for approval of a proposal

To the Fabric Advisory Committee of the Cathedral Church of:

Insert name of cathedral.

.....

The Chapter of the said Cathedral Church applies to the Committee for approval of the following proposal:

Short description e.g. repair of vestry, loan of chalice.

The Proposal

.....

Summary of the nature of work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

.....
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.....

Proposal where work is to be carried out by a tenant

Where work is to be carried out by a tenant:-

The Chapter considered the proposal at a meeting on:

Insert date.

.....

and subject to approval under the Measure is willing to consent to the proposal.

Insert the name of the tenant.

.....

Insert postal address,
including postcode of
the tenant.

Plans, drawings, specifications or other documents

The proposal is described by the following items which accompany this form:

List and number the
items and give
reference numbers, if
applicable.

DISPLAY OF PUBLIC NOTICE

I confirm that a Public Notice in Form 4 is being displayed from the date of this application and a copy of the Notice is being sent immediately to the following bodies and persons specified in rule 5(3)

Tick boxes to indicate.

Cathedrals Fabric Commission

if the proposal is for works described in section 2(1)(a) of the Measure—

English Heritage

** If none then notice is to be given to each amenity society listed below.*

The national amenity societies (or such person* as those societies have jointly appointed for the purposes of the Measure)

Local Planning Authority

Signed:

Administrator on behalf of the Chapter

Dated:

NOTE: The national amenity societies are the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and the Twentieth Century Society.

FORM 4 (Rule 5)

**Section 7 of Care of Cathedrals Measure 1990 (as amended)
Public Notice on application to the Fabric Advisory Committee**

PUBLIC NOTICE

TAKE NOTICE that the Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

Insert date.

has on this date

applied to the Fabric Advisory Committee of the said cathedral for approval of the following proposal:

Short description e.g. repair of vestry, loan of chalice.

The Proposal

.....

Summary of the nature of work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

.....
.....
.....
.....
.....

Plans, drawings, specifications or other documents

Copies of the plans, drawings, specifications and other documents accompanying this application may be examined at the office of the Chapter of the Cathedral Church

Insert postal address and postcode of Chapter office.

Postal address, including postcode:

.....
.....

Insert days when office is open.

from

Insert hours when office is open. **between the hours of:** **and**

Insert date on notice. **from this day:**

Insert date 28 days later **and until:**

Representations

If you wish to make representations about the whole or any part of the proposal described in this Notice you should write to:

THE SECRETARY OF THE FABRIC ADVISORY COMMITTEE

Insert full postal address Postal address, including postcode:.....
.....
.....

Insert fax number and e-mail address, if applicable. Fax number:.....
E-mail address:.....

so that it reaches the secretary not later than:

Insert a date ending 28 days after the date of commencement of the period for representations.

DIRECTIONS TO CHAPTER

1. This public notice (or a copy of it) must be displayed for a continuous period of 28 days in a prominent position inside and outside your cathedral where it is readily visible to the public.

2. A copy of this notice must be sent as follows:

- (a) to the Cathedrals Fabric Commission, and
- (b) if the proposal is of a kind described in section 2(1)(a) of the Measure—
 - (i) to English Heritage,
 - (ii) to the national amenity societies (or such person as those societies have jointly appointed for the purposes of the Measure), and
 - (iii) to the local planning authority.

CERTIFICATE OF PUBLICATION

I hereby certify that a copy of this Public Notice was displayed for a period of 28 days:

Insert dates.

from:

to:

(i) inside the Cathedral Church

and

(ii) outside the said Cathedral Church

where it was readily visible to the public

I further certify that, as required, I sent a copy of this Public Notice to the bodies specified in Direction 2 above.

Signed:

(Administrator of the Cathedral Church)

Dated:

NOTE: This certificate must be completed immediately after the expiry of the period of 28 days and sent to the Fabric Advisory Committee which will be unable to determine the proposal until this certificate has been received.

FORM 5 (Rule 5)

Section 7 of Care of Cathedrals Measure 1990 (as amended)

Notice of Decision of Fabric Advisory Committee

TAKE NOTICE that the Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

applied on

Insert date of application.

.....

for the approval of the following proposal:

Complete as in Form 3.

The Proposal

.....

Summary of the nature of work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

.....
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Representations

Representations in writing in respect of the above proposal were received from:

List any statutory consultees and other bodies and give total number of representations from members of the public.

.....
.....
.....
.....
.....

Decision

At a meeting of the Fabric Advisory Committee held on:

Enter date.

the above proposal and representations were considered and the Committee decided to:

**Delete as appropriate.*

***1. Approve the proposal,**

***2. Approve the proposal subject to the following condition(s):**

List and number conditions.

.....
.....
.....

for the following reasons:

.....
.....
.....
.....

OR

***3. Refuse to give approval to the proposal**

for the following reasons:

.....
.....
.....
.....

Signed:

Secretary of the Fabric Advisory Committee

Dated:

NOTES:

1. A copy of this Notice is to be sent or delivered to the bodies or persons specified in rule 5(7), as applicable.
2. Within 7 days of receipt of this Notice the administrator of the Cathedral Church is to display a copy of it inside and outside the cathedral where it will be readily visible to the public for a period of not less than 28 days.

FORM 6 (Rule 6)

Section 9(2) of Care of Cathedrals Measure 1990 (as amended)

Request to the Cathedrals Fabric Commission to deal with application not determined by the Fabric Advisory Committee

To the Cathedrals Fabric Commission (“the Commission”)

The Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

Insert full postal address and contact telephone and fax numbers and e-mail address.

Postal address, including postcode of the administrator or any other person dealing with the application:

.....
.....
.....

Telephone number:

Fax number:

E-mail address:

applied to the Fabric Advisory Committee of the said Cathedral Church on:

Insert date of application.

.....

for the approval of the following proposal:

The Proposal

Complete as in Form 3

.....

Summary of the nature of work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

.....
.....
.....
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.....

Plans, drawings, specifications or other documents

The proposal is described by the following items copies of which were supplied to the Fabric Advisory Committee with the application:

List and number the items and give reference numbers, if applicable.

.....
.....
.....
.....

Non-determination

A period of 3 months has elapsed since the date of the above application and it has not been determined by the Fabric Advisory Committee.

Request for determination

The Chapter requests the Commission to deal with the application and to determine it within a period of 3 months from the date of this request.

DOCUMENTS ACCOMPANYING THIS REQUEST

Copies of the following items accompany this form:

1. The application in Form 3 dated 20... for approval of the above proposal.
2. Plans, drawings, specifications or other documents which accompanied that application.

Signed:

Administrator on behalf of the Chapter

Dated:

NOTE

1. This form and all the accompanying items listed in it should be sent to the secretary of the Cathedrals Fabric Commission at the Commission’s published address within 28 days after the expiry of the period of 3 months immediately following the date of the application to the Fabric Advisory Committee.
2. A copy of this form must be sent to the secretary to the Fabric Advisory Committee of your Cathedral at the same time as the form is sent to the secretary of the Commission.

FORM 7 (Rule 6)

Section 9(4) of Care of Cathedrals Measure 1990 (as amended)

Notice of Decision by Cathedrals Fabric Commission on request to deal with application not determined by Fabric Advisory Committee

TAKE NOTICE that the Chapter of the Cathedral Church of

Insert name of cathedral.

.....

**Insert dates.*

on*

requested the Commission to determine an application made to the Fabric Advisory Committee of the said Cathedral Church on *..... and which was not determined by the committee within the period of 3 months immediately following the application.

The Chapter's said application was for approval of the following proposal:

The Proposal

Complete as in Form 3.

.....

Summary of the nature of work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

.....
.....
.....
.....
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.....

Representations

List any statutory consultees and other bodies and give total number of representations from members of the public.

Representations in writing in respect of the above proposal were received by the Fabric Advisory Committee from:

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Decision

At a meeting of the Cathedrals Fabric Commission held on

Enter date.

the above proposal and representations were considered and the Commission decided to

**Delete as appropriate.*

***1. Approve the proposal,**

***2. Approve the proposal subject to the following condition(s):**

List and number conditions.

.....
.....
.....

for the following reasons:

.....
.....
.....
.....

OR

***3. Refuse to give approval to the proposal**

for the following reasons:

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.....
.....

Signed:

Secretary of the Cathedrals Fabric Commission

Dated:

NOTES:

1. A copy of this Notice is to be sent or delivered to the bodies or persons specified in rule 7(9), as applicable.
2. Within 7 days of receipt of this Notice the administrator of the Cathedral Church is to display a copy of it inside and outside the cathedral where it will be readily visible to the public for a period of not less than 28 days.

PART 3

Forms 8 to 14: Application or Appeal to Commission

FORM 8 (Rule 7)

Section 8 of Care of Cathedrals Measure 1990 (as amended)

Application to the Cathedrals Fabric Commission for approval of a proposal

To the Cathedrals Fabric Commission (“the Commission”)

The Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

Insert full postal address and contact telephone and fax numbers and e-mail address.

Postal address, including postcode of the administrator or any other person dealing with the application:

.....
.....

Telephone number:.....

Fax number:.....

E-mail address:.....

applies to the Commission for approval of the following proposal:

Short description e.g. repair of stonework, sale of silver.

The Proposal

.....

Summary of the nature of the work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

.....
.....
.....

Plans, drawings, specifications or other documents

The proposal is described by the following items which accompany this form:

List and number the items and give reference numbers, if applicable.

.....
.....
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.....

DISPLAY OF PUBLIC NOTICE

I confirm that

- (i) a Public Notice in Form 9 is being displayed from the date of this application;
- (ii) a copy of the Public Notice in Form 9 is being sent immediately to the following bodies specified in rule 7(3) and (4) and as indicated below;
- (iii) a copy (free of charge) of each of the plans, drawings, specifications or other documents itemised above as being sent immediately in accordance with rule 7(4) to the bodies indicated below.

Public Notice

Tick boxes to indicate.

Fabric Advisory Committee of the Cathedral

Copy plans etc.

English Heritage

**If none, then notice is to be given to each amenity society listed below.*

The national amenity societies (or such person* as those societies have jointly appointed for the purposes of the Measure)

If the proposal is for works described in section 2(1)(a) of the Measure—

Local Planning Authority

Signed:

Administrator on behalf of the Chapter

Dated:

Notes

1. The national amenity societies are the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and the Twentieth Century Society.
2. This form and all the accompanying items in it should be sent to the secretary of the Cathedrals Fabric Commission at the Commission's published address.

FORM 9 (Rule 7)

Section 8 of Care of Cathedrals Measure 1990 (as amended)
Public Notice on application to the Cathedrals Fabric Commission

PUBLIC NOTICE

TAKE NOTICE that the Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

Insert date.

has on this date

applied to the Cathedrals Fabric Commission for approval of the following proposal:

The Proposal

Complete as in Form 8.

.....

Summary of the nature of the work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

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Plans, drawings, specifications or other documents

Copies of the plans, drawings, specifications and other documents accompanying this application may be examined at the office of the Chapter of the Cathedral Church.

Insert postal address and postcode of Chapter office.

Postal address, including postcode:
.....
.....

Insert days when office is open.

from

Insert hours when office is open.

between the hours of: **and**

Insert date on notice.

from this day:

Insert date 28 days later

and until:

Representations

If you wish to make representations about the whole or any part of the proposal described in this Notice you should write to:

THE SECRETARY OF THE CATHEDRAL FABRIC COMMISSION

Insert full postal address

Postal address, including postcode:

.....

.....

.....

Insert fax number and e-mail address.

Fax number:

E-mail address:

so that it reaches the secretary not later than:

Insert a date ending 28 days after the date of commencement of the period for representations.

.....

DIRECTIONS TO CHAPTER

1. This public notice (or a copy of it) must be displayed for a continuous period of 28 days in a prominent position inside and outside your cathedral where it is readily visible to the public.

2. A copy of this notice must be sent as follows to:

- (a) the Fabric Advisory Committee of your Cathedral Church,
- (b) English Heritage,
- (c) the national amenity societies (or such person as those societies have jointly appointed for the purposes of the Measure), and
- (d) if the proposal is of a kind described in section 2(1)(a), to the local planning authority.

CERTIFICATE OF PUBLICATION

I hereby certify that a copy of this Public Notice was displayed for a period of 28 days:

Insert dates.

from:

to:

(i) inside the Cathedral Church

and

(ii) outside the said Cathedral Church

where it was readily visible to the public.

I further certify that, as required, I sent a copy of this Public Notice to the bodies specified in Direction 2 above.

Signed:

(Administrator of the Cathedral Church)

Dated:

NOTE: This certificate must be completed immediately after the expiry of the period of 28 days and sent to the Cathedrals Fabric Commission which will be unable to determine the proposal until this certificate has been received.

FORM 10 (Rule 7)

Section 8 of Care of Cathedrals Measure 1990 (as amended)
Notice of Decision of Cathedrals Fabric Commission

TAKE NOTICE that the Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

applied on

Insert date of application.

.....

for the approval of the following proposal:

The Proposal

Complete as in Form 8.

.....

Summary of the nature of the work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

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Representations

Representations in writing in respect of the above proposal were received from:

List any statutory consultees and other bodies and give total number of representations from members of the public.

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Decision

At a meeting of the Cathedrals Fabric Commission held on:

Enter date.

the above proposal and representations were considered and the Commission decided to:

**Delete as appropriate.*

***1. Approve the proposal,**

***2. Approve the proposal subject to the following condition(s):**

List and number conditions.

for the following reasons:

OR

***3. Refuse to give approval to the proposal**

for the following reasons:

Signed:

Secretary of the Cathedrals Fabric Commission

Dated:

NOTES:

1. A copy of this Notice is to be sent or delivered to the bodies or persons specified in rule 7(9), as applicable.
2. Within 7 days of receipt of this Notice the administrator of the Cathedral Church is to display a copy of it inside and outside the cathedral where it will be readily visible to the public for a period of not less than 28 days.

FORM 11 (Rule 8)

Section 9(1) of Care of Cathedrals Measure 1990 (as amended)
Appeal to the Cathedrals Fabric Commission against a decision of the Fabric Advisory Committee

To the Cathedrals Fabric Commission (“the Commission”)

The Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

Insert full postal address and contact telephone and fax numbers and e-mail address.

Postal address, including postcode of the administrator or any other person dealing with the appeal:

.....
.....
.....

Telephone number:

Fax number:

E-mail address:

**Delete as applicable.*

appeals against the decision dated, of the Fabric Advisory Committee *refusing to give approval to/ *approving with conditions, the following proposal:

The Proposal

Complete as in Form 3.

.....

Summary of the nature of work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

Complete as in Form 3.

.....
.....
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.....

**Delete or complete as appropriate.*

The Chapter requests the Commission to *reverse the decision/ *vary that part of the decision consisting of

.....
.....
Grounds of appeal

The Chapter relies upon the following grounds of appeal:

Here set these out in detail.

- 1.
- 2.
- 3.
- 4.

DOCUMENTS ACCOMPANYING THIS APPEAL

Copies of the following items accompany this form:

1. Notice of the Decision of the Fabric Advisory Committee in Form 5 dated20...
2. The application in Form 3 dated20... for approval of the above proposal.
3. Plans, drawings, specifications or other documents which accompanied that application.

Signed:

Administrator on behalf of the Chapter

Dated:

Note

1. This form and all the accompanying items listed in it should be sent to the secretary of the Cathedrals Fabric Commission at the Commission’s published address within 3 months from the date when the decision of the Fabric Advisory Committee was sent or delivered to the Chapter.
2. A copy of this form must be sent to the secretary to the Fabric Advisory Committee of your Cathedral church at the same time as the form is sent to the secretary of the Commission.

FORM 12 (Rule 8)

**Section 9(3) of Care of Cathedrals Measure 1990 (as amended)
Notice of Decision on Appeal to Cathedrals Fabric Commission**

TAKE NOTICE that the Chapter of the Cathedral Church of:

Insert name of cathedral.

appealed on

**Delete as applicable.*

against the decision dated , of the Fabric Advisory Committee of the said Cathedral Church *refusing to give approval to/ *approving with conditions, the following proposal:

The Proposal

Complete as in Form 11.

Summary of the nature of work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

Complete as in Form 11.

Representations received by the Fabric Advisory Committee

Representations in writing in respect of the above proposal were received from:

List any statutory consultees and other bodies and give total number of representations from members of the public.

Decision

At a meeting of the Cathedrals Fabric Commission held on:

Enter date.

the Chapter's proposal and grounds of appeal, the decision of the Fabric Advisory Committee and representations received by the Committee were all considered and the Commission decided to:

**Delete as appropriate.*

***1. Confirm the decision of the Fabric Advisory Committee for the following reasons:**

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.....
.....
.....

***2. Reverse the decision of the Fabric Advisory Committee and grant approval of the proposal for the following reasons:**

.....
.....
.....
.....

***3. Vary the decision of the Fabric Advisory Committee as follows:**

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.....
.....
.....

The Commissions reasons for varying the decision are:

.....
.....
.....
.....

Signed:

Secretary of the Cathedrals Fabric Commission

Dated:

NOTES:

1. A copy of this Notice is to be sent or delivered to the bodies or persons specified in rule 7(9), as applicable.
2. Within 7 days of receipt of this Notice the administrator of the Cathedral Church is to display a copy of it inside and outside the cathedral where it will be readily visible to the public for a period of not less than 28 days.

FORM 13 (Rule 9)

**Sections 9(1) and 10C of Care of Cathedrals Measure 1990 (as amended)
Appeal by Chapter/ Tenant to the Cathedrals Fabric Commission against a
decision of the Fabric Advisory Committee**

To the Cathedrals Fabric Commission (“the Commission”)

The Chapter of the Cathedral Church of:

*Insert name of
cathedral.*

.....

*Insert name and
address of tenant.*

and/ or the tenant

of

.....

**Delete as
applicable.*

**appeal(s) against the decision dated, of the Fabric
Advisory Committee *refusing to give approval to/ *approving with
conditions, the following proposal for the carrying out of works by the
said tenant (for which the Chapter is willing to give consent subject to
approval being given under the Measure):**

The Proposal

*Complete as in
Form 3.*

.....

Summary of the nature of work and its extent (and materials)

*Complete as in
Form 3.*

.....

.....

.....

.....

**Delete or complete
as appropriate.*

**The Chapter and/ or the tenant request the Commission to *reverse the
decision/ *vary that part of the decision consisting of**

.....

.....

Grounds of appeal

**The Chapter and/ or the tenant relies upon the following grounds of
appeal:**

Here set these out in detail.

- 1.
- 2.
- 3.
- 4.

DOCUMENTS ACCOMPANYING THIS APPEAL

Copies of the following items accompany this form:

1. Notice of the Decision of the Fabric Advisory Committee in Form 5 dated20....
2. The application in Form 3 dated20... for approval of the above proposal.
3. Plans, drawings, specifications or other documents which accompanied that application.

Administrator on behalf of the Chapter

Insert full postal address and contact telephone and fax numbers and e-mail address.

Postal address, including postcode of the administrator or any other person dealing with the application:

.....

Telephone number:

Fax number:

E-mail address:

Signed:

Administrator on behalf of the Chapter

Dated:

Tenant

Insert full postal address and contact telephone and fax numbers and e-mail address.

Postal address, including postcode of the tenant:

.....

Telephone number:

Fax number:

E-mail address:

Signed:

Tenant

Dated:

Note

1. This form and all the accompanying documents listed in it should be sent by the administrator/tenant to the secretary of the Cathedrals Fabric Commission at the Commission's published address.

- (i) in a case where the Chapter is appealing alone or with the tenant, within 28 days of receipt of notice of the decision of the Fabric Advisory Committee;
- (ii) in a case where the tenant is appealing alone, within 28 days after notification by the Chapter to the tenant that the Chapter has decided not to appeal.

2. A copy of this form must be sent by the administrator (or by the tenant if the Chapter is not appealing) to the secretary of the Fabric Advisory Committee at the same time as the form is sent to the secretary of the Commission.

FORM 14 (Rule 9)

Section 9(3) of Care of Cathedrals Measure 1990 (as amended)

Notice of Decision by Cathedrals Fabric Commission on appeal by Chapter/
Tenant against a decision of the Fabric Advisory Committee

TAKE NOTICE that the Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

Insert name and address of tenant or delete as appropriate.

and/ or the tenant

of

.....

appealed on

Insert date.

.....

**Delete as applicable.*

against the decision dated, of the Fabric Advisory Committee of the said Cathedral Church *refusing to give approval to/ *approving with conditions, the following proposal for the carrying out of works by the said tenant (for which the Chapter is willing to give consent subject to approval being given under the Measure):

The Proposal

Complete as in Form 13.

.....

Summary of the nature of work and its extent (and materials)

Complete as in Form 13.

.....

.....

.....

.....

.....

List any statutory consultees and other bodies and give total number of representations from members of the public..

Representations received by the Fabric Advisory Committee

Representations in writing in respect of the above proposal were received from:

.....
.....
.....

Decision

At a meeting of the Cathedrals Fabric Commission held on:

Enter date.

.....

the Chapter's/ tenant's proposal and grounds of appeal, the decision of the Fabric Advisory Committee and representations received by the Committee were all considered and the Commission decided to:

**Delete as appropriate.*

***1. Confirm the decision of the Fabric Advisory Committee for the following reasons:**

.....
.....
.....

***2. Reverse the decision of the Fabric Advisory Committee and grant approval of the proposal for the following reasons:**

.....
.....
.....

***3. Vary the decision of the Fabric Advisory Committee as follows:**

.....
.....
.....

The Commission's reasons for varying the decision are:

.....
.....
.....

Signed:

Secretary of the Cathedrals Fabric Commission

Dated:

NOTES:

1. A copy of this Notice is to be sent or delivered to the bodies or persons specified in rule 7(9), as applicable.

2. Within 7 days of receipt of this Notice the administrator of the Cathedral Church is to display a copy of it inside and outside the cathedral where it will be readily visible to the public for a period of not less than 28 days.

PART 4

Form 15: Notice of proposed application for Listed Building Consent or Scheduled Monument Consent

FORM 15 (Rule 11)

Section 15 of Care of Cathedrals Measure 1990 (as amended)
Notice of proposed application for Listed Building Consent or Scheduled Monument Consent

To the Cathedrals Fabric Commission ("the Commission")

The Chapter of the Cathedral Church of

Insert name of cathedral.

.....

gives notice that an application is to be made for

Listed building consent to

Name the local planning authority.

.....

*Delete if not applicable.

*Scheduled monument consent

in respect of the work described below which it is proposed shall be carried out to a building or monument within the precinct of the said Cathedral Church as indicated in the proposal.

The Proposal and Building/ Monument concerned

Give a short description of proposed work and identify building/ monument.

.....
.....
.....

Plans, drawings, specifications or other documents

The proposal is adequately described by the following items which accompany this Notice.

List and number the items.

.....
.....
.....
.....

Representations

Any representations which the Commission may wish to make should be sent in writing no later than

See Note 1 below.

Insert full postal address and postcode.

to the administrator at

Postal address, including postcode of the administrator or any other person dealing with the Notice:

.....
.....
.....
.....

Fax number:.....

E-mail address:.....

Signed:

Administrator on behalf of the Chapter

Dated:

NOTE

1. The date to be inserted must be 28 days from the date on which this Notice is sent or delivered to the Commission.
2. This form and all the accompanying items listed in it should be sent to the secretary of the Cathedrals Fabric Commission at the Commission’s published address.

PART 5

Forms 16 to 18: Treasure

FORM 16 (Rule 16 and Schedule 1)

Sections 6/ 6A(4) of Care of Cathedrals Measure 1990 (as amended)
Application to Cathedrals Fabric Commission for approval of sale, loan or disposal of treasure

To the Cathedrals Fabric Commission (“the Commission”)

The Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

Insert full postal address and contact telephone and fax numbers and e-mail address.

Postal address, including postcode of the administrator or any other person dealing with the application:

.....
.....
.....

Telephone number:.....

Fax number:.....

E-mail address:.....

**Delete as applicable.*

after consulting the Fabric Advisory Committee of the said Cathedral which *supports/ *does not support the application applies to the Commission for approval of the following proposal.

The Proposal

The Chapter proposes to take the following course of action in respect of the object of treasure consisting of

Concisely identify the object.

.....
.....
.....

namely

** Delete or complete as applicable.*

***(1) selling it for the best obtainable price,**

***(2) lending it temporarily/ permanently to:**

.....
.....

***(3) disposing of it by:**

.....
.....

INFORMATION ABOUT THE OBJECT

Details of the size, features, history (where known) and significance of the object are contained in the following items which accompany this form:

List plans, photographs, extracts from publications etc. relied upon.

.....
.....
.....
.....
.....

In the case of proposed sale or other disposal (but not loan)

The following are attached—

- (1) Correspondence between the Chapter and the British Museum stating whether the British Museum or another museum is the specified museum for the purpose of Schedule 1;
- (2) Correspondence between the Chapter and the specified museum as to its interest in acquiring the above object.

DISPLAY OF PUBLIC NOTICE

I confirm that

(i) a Public Notice in Form 17 is being displayed from the date of this application;

(ii) a copy of the Public Notice in Form 17 is being sent immediately to the following bodies specified in paragraph 6(6) and (7) in Schedule 1 as appropriate and as indicated below;

(iii) a copy (free of charge) of the details of the object contained in the items listed above and of the correspondence attached to this Form is being sent immediately to the bodies indicated below.

Public Notice

Tick boxes to indicate.

Fabric Advisory Committee of the Cathedral

Copy plans etc.

English Heritage

**If none, then notice is to be given to each amenity society listed below.*

The national amenity societies (or such person* as those societies have jointly appointed for the purposes of the Measure)

Signed:

Administrator on behalf of the Chapter

Dated:

NOTE: The national amenity societies are the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and the Twentieth Century Society.

FORM 17 (Rule 16 and Schedule 1)

Sections 6/ 6A(4) of Care of Cathedrals Measure 1990 (as amended)

Public Notice on application to the Cathedrals Fabric Commission in respect of object of treasure

PUBLIC NOTICE

TAKE NOTICE that the Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

Insert date.

has on this date

applied to the Cathedrals Fabric Commission for approval of the following proposal:

The Proposal

Complete as in Form 16.

The Chapter proposes to take the following course of action in respect of the object of treasure consisting of

Concisely identify the object.

.....
.....
.....

namely

** Delete or complete as applicable.*

***(1) selling it for the best obtainable price,**

***(2) lending it temporarily/ permanently to:**

.....
.....

***(3) disposing of it by:**

.....
.....

Information about the object

Documents relating to this object which accompany this application may be examined at the office of the Chapter of the Cathedral Church.

Insert postal address and postcode of Chapter office.

Postal address, including postcode:
.....
.....
.....

Insert days when office is open. **from**

Insert hours when office is open. **between the hours of:** **and**

Insert date on notice. **from this day:**

Insert date 28 days later **and until:**

Representations

If you wish to make representations about the proposal described in this Notice you should write to:

THE SECRETARY OF THE CATHEDRAL FABRIC COMMISSION

Insert full postal address Postal address, including postcode:

.....

.....

.....

Insert fax number and e-mail address. Fax number:

E-mail address:

so that it reaches the secretary not later than:

Insert a date ending 28 days after the date of commencement of the period for representations.

DIRECTIONS TO CHAPTER

1. This public notice (or a copy of it) must be displayed for a continuous period of 28 days in a prominent position inside and outside your cathedral where it is readily visible to the public.

2. A copy of this notice must be sent as follows to:

- (a) the Fabric Advisory Committee of your Cathedral Church,
- (b) English Heritage,
- (c) the national amenity societies (or such person as those societies have jointly appointed for the purposes of the Measure).

CERTIFICATE OF PUBLICATION

I hereby certify that a copy of this Public Notice was displayed for a period of 28 days:

Insert dates.

from:

to:

(i) inside the Cathedral Church

and

(ii) outside the said Cathedral Church

where it was readily visible to the public.

I further certify that, as required, I sent a copy of this Public Notice to the bodies specified in Direction 2 above.

Signed:

(Administrator of the Cathedral Church)

Dated:

NOTE: This certificate must be completed immediately after the expiry of the period of 28 days and sent to the Cathedrals Fabric Commission which will be unable to determine the proposal until this certificate has been received.

FORM 18 (Rule 16 and Schedule 1)

Sections 6/ 6A(4) of Care of Cathedrals Measure 1990 (as amended)
Notice of Decision of Cathedrals Fabric Commission on application relating to
treasure

TAKE NOTICE that the Chapter of the Cathedral Church of:

Insert name of cathedral.

.....

applied on

Insert date of application.

.....

for the approval of the following proposal:

The Proposal

The Chapter proposes to take the following course of action in respect of the object of treasure consisting of

Complete as in Form 16.

.....

.....

.....

Representations

Representations in writing in respect of the above proposal were received from:

List any statutory consultees and other bodies and give total number of representations from members of the public.

.....

.....

.....

.....

.....

.....

.....

.....

Decision

At a meeting of the Cathedrals Fabric Commission held on:

Enter date.

.....

**Delete if not applicable.*

the above proposal, the written representations listed above *and comments in reply from the Chapter were considered and the Commission:

**Delete or complete as appropriate.*

***1. Approved the proposal and specified that within a period of months after the purchase price had been determined under paragraph 8 of Schedule 1 an opportunity to purchase the object should be given to the specified museum but if on expiry of that period no purchase had taken place then the object could be sold in accordance with the proposal.**

***2. Refused to give approval to the proposal for the following reasons:**

.....
.....
.....
.....
.....

Signed:

Secretary of the Cathedrals Fabric Commission

Dated:

NOTES:

1. A copy of this Notice is to be sent or delivered to the bodies or persons specified in paragraph 7(3) of Schedule 1.
2. Within 7 days of receipt of this Notice the administrator of the Cathedral Church is to display a copy of it inside and outside the Cathedral where it will be readily visible to the public for a period of not less than 28 days.

PART 6

Forms 19 to 24: Request for review by Commission of Review

FORM 19 (Rule 17)

**Section 10(1)(a) of Care of Cathedrals Measure 1990 (as amended)
Request for review of decision of the Cathedrals Fabric Commission following
non-determination by Fabric Advisory Committee**

COMMISSION OF REVIEW

**Delete as appropriate.*

To the Provincial Registrar of the province of *Canterbury/ *York

The Chapter of the Cathedral Church of

Insert name of cathedral.

.....
**requests the Commission of Review to review a decision dated
..... of the Cathedrals Fabric Commission under
section 9(2) and (4) of the Measure**

Application to Fabric Advisory Committee

**On the Chapter applied to the
Fabric Advisory Committee of the said Cathedral Church for approval
of the following proposal:**

The Proposal

Complete as in Form 3.

.....
**Summary of the nature of work and its extent (and materials) [or in the
case of an object, a short description of it and details of the proposal]**

Complete as in Form 3.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Plans, drawings, specifications or other documents

**The proposal is described by the following items, copies of which were
supplied to the Fabric Advisory Committee and to the Cathedrals Fabric
Commission**

List and number the items and give reference numbers if applicable.

.....
.....
.....
.....

Non-determination

The Chapter's said application was not determined within 3 months of the date of making of the application and on the Chapter requested the Cathedrals Fabric Commission to deal with the application.

**Delete or complete as appropriate.*

The Commission of Review is requested to *reverse the decision of the Cathedrals Fabric Commission/ *vary that part of the decision of the Cathedral Fabric Commission consisting of

.....
.....
.....
.....

Grounds for Review of decision

In requesting a review of the decision of the Cathedrals Fabric Commission the Chapter relies on the following grounds:

Here set these out in detail.

- 1.
- 2.
- 3.
- 4.

DOCUMENTS ACCOMPANYING THIS REQUEST

Copies of the following documents accompany this form.

- 1. Notice of the decision of the Cathedral Fabric Commission in Form 7 dated**
- 2. The Chapter's application in Form 3 to the Fabric Advisory Committee dated for approval of the above proposal**
- 3. Plans, drawings, specifications [photographs] or other documents which accompanied that application**
- 4. The Public Notice in Form 4 required by rule 5(2)**
- 5. The request in Form 6 to the Cathedrals Fabric Commission to deal with the application**

Signed:

Administrator on behalf of the Chapter

Dated:

NOTE

This form and all the accompanying items listed in it should be sent or delivered to the Provincial Registrar at the published address of the Provincial Registry within 3 months of the date when notice of the Commission's decision was sent or delivered to the Chapter.

NOTIFICATION OF OTHER BODIES

I confirm that a copy of this form is being sent immediately in accordance with rule 17(3) to the bodies indicated below

Tick boxes to indicate.

the Cathedrals Fabric Commission

the Fabric Advisory Committee of the above Cathedral Church

English Heritage

the national amenity societies or such person as those societies may have jointly appointed for the purposes of the Measure

If the proposal is of a kind described in section 2(1)(a)—

Local Planning Authority

Signed:

Administrator on behalf of the Chapter

Dated:

FORM 20 (Rule 18)

**Section 10(2) of Care of Cathedrals Measure 1990 (as amended)
Request to Commission of Review to deal with Application or Appeal not
determined by Cathedrals Fabric Commission**

COMMISSION OF REVIEW

**Delete as appropriate.*

**To the Provincial Registrar of the province of *Canterbury/ *York
The Chapter of the Cathedral Church of**

Insert name of cathedral.

.....
**requests the Commission of Review to deal with the matter indicated
below which has not been determined by the Cathedrals Fabric
Commission:**

**Delete as appropriate.*

***1. The Chapter's application for approval of a proposal made to the
Cathedrals Fabric Commission on**

***2. The Chapter's request dated under
section 9(2) for the Cathedrals Fabric Commission to determine an
application not determined by the Fabric Advisory Committee of the
said Cathedral;**

***3. An appeal dated by the
Chapter to the Cathedrals Fabric Commission from a decision of the
Fabric Advisory Committee of the said Cathedral.**

The proposal for which the Chapter seeks approval is as follows:

The Proposal

Complete as in Form 8, 6, 11 or 13 as appropriate..

**Concise description of the nature of the proposal (or in the case of an
object state whether it is sale, loan or disposal)**

.....
.....
.....
.....

Summary of the nature of work and its extent (and materials)

Complete as in Form 8, 6, 11 or 13 as appropriate.

.....
.....
.....
.....
.....
.....
.....
.....
.....

[For request 1 or 2 above include the following:

**Delete as appropriate.*

**The time for determination of the Chapter’s application *for approval/
*under section 9(2) by the Cathedrals Fabric Commission expired on**

.....

and the Chapter requests the Commission of Review to determine the matter by approving the above proposal.]

[For request 3 above (appeal) include the following:

**Delete or complete as appropriate.*

The time for determination of the Chapter’s appeal to the Cathedrals Fabric Commission from a decision of the Fabric Advisory Committee of the said cathedral expired on

The Chapter requests the Commission of Review to *reverse the decision/ *vary that part of the decision of the Fabric Advisory Committee consisting of

.....
.....
.....

DOCUMENTS ACCOMPANYING THIS REQUEST

Copies of the following documents accompany this form.

(For request 1 above)

**Delete as applicable.*

1. The Chapter's application in Form *[8] [16] dated seeking approval from the Cathedrals Fabric Commission for the above proposal.

2. Plans, drawings, specifications [photographs] or other documents which accompanied that application

**Delete as applicable.*

3. The Public Notice in Form *[9] [17] required by rule 7(2) or paragraph 6(5) of Schedule 1.

(For request 2 above)

1. The Chapter's application in Form 3 dated seeking approval from the Fabric Advisory Committee for the above proposal.

2. Plans, drawings, specifications [photographs] or other documents which accompanied that application

3. The Public Notice in Form 4 required by rule 5(2)

(For request 3 above)

1. Notice of the decision of the Fabric Advisory Committee of the said Cathedral in Form 5 dated

2. The Chapter's application in Form 3 dated seeking approval from the Fabric Advisory Committee for the above proposal.

3. Plans, drawings, specifications [photographs] or other documents which accompanied that application

4. The Public Notice in Form 4 required by rule 5(2)

5. The Chapter's appeal in Form 11 or 13 dated to the Cathedrals Fabric Commission against the said decision of the Fabric Advisory Committee

Signed:

Administrator on behalf of the Chapter

Dated:

NOTE

This form and all the accompanying items listed in it should be sent or delivered to the Provincial Registrar at the published address of the Provincial Registry within 28 days after the expiry of the period specified in rule 7(8) (request 1) or rule 6(4) (request 2) or rule 8(4) (request 3) whichever applies.

NOTIFICATION OF OTHER BODIES

I confirm that a copy of this form is being sent immediately to the bodies indicated below

Tick boxes to indicate.

the Cathedrals Fabric Commission

the Fabric Advisory Committee of the above Cathedral Church

English Heritage

the national amenity societies or such person as those societies may have jointly appointed for the purposes of the Measure

If the proposal is of a kind described in section 2(1)(a)—

Local Planning Authority

Signed:

Administrator on behalf of the Chapter

Dated:

FORM 21 (Rule 19)

**Section 10(1)(a) of Care of Cathedrals Measure 1990 (as amended)
Request for review of decision of the Cathedrals Fabric Commission on
application for approval of proposal**

COMMISSION OF REVIEW

**Delete as appropriate.*

**To the Provincial Registrar of the province of *Canterbury/ *York
The Chapter of the Cathedral Church of**

*Insert name of cathedral.
Delete as applicable.

**requests the Commission of Review to review the decision dated
..... of the Cathedrals Fabric Commission *refusing to
give approval/ *approving with conditions, the following proposal:**

The Proposal

Complete as in Form 8 or 16 as applicable.

.....
.....
.....

Summary of the nature of work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

Complete as in Form 8 or 16 as applicable.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

**Delete or complete as appropriate.*

**The Commission of Review is requested to *reverse the decision of the
Cathedrals Fabric Commission/ *vary that part of the decision of the
Cathedral Fabric Commission consisting of**

.....
.....
.....

Grounds for Review of decision

In requesting a review the Chapter relies on the following grounds:

Here set these out in detail.

- 1.
- 2.
- 3.
- 4.

DOCUMENTS ACCOMPANYING THIS REQUEST

Copies of the following documents accompany this form.

**Delete if not applicable.*

- 1. Notice of the decision of the Cathedrals Fabric Commission in *Form [10] [18] dated**
- 2. The application in *Form [8] [16] dated for approval of the above proposal**
- 3. Plans, drawings, specifications, photographs or other documents which accompanied that application**

Signed:

Administrator on behalf of the Chapter

Dated:

NOTE

This form and all the accompanying items listed in it should be sent or delivered to the Provincial Registrar at the published address of the Provincial Registry within 3 months of the date when notice of the Commission’s decision was sent or delivered to the Chapter.

NOTIFICATION OF OTHER BODIES

I confirm that a copy of this form is being sent immediately in accordance with rule 19(3) to the bodies indicated below

Tick boxes to indicate.

the Cathedrals Fabric Commission

the Fabric Advisory Committee of the said Cathedral Church

English Heritage

the national amenity societies or such person as those societies may have jointly appointed for the purposes of the Measure

If the proposal is of a kind described in section 2(1)(a)—

Local Planning Authority

Signed:

Administrator on behalf of the Chapter

Dated:

FORM 22 (Rule 20)

Section 10(1)(b) of Care of Cathedrals Measure 1990 (as amended)

Request for review of decision of the Cathedrals Fabric Commission on appeal from a decision of the Fabric Advisory Committee

COMMISSION OF REVIEW

**Delete as appropriate.*

To the Provincial Registrar of the province of *Canterbury/ *York

The Chapter of the Cathedral Church of

Insert name of cathedral.

.....
requests the Commission of Review to review a decision dated of the Cathedrals Fabric Commission on appeal from the Fabric Advisory Committee of the said Cathedral

Application to Fabric Advisory Committee

On the Chapter applied to the Fabric Advisory Committee of the said Cathedral Church for approval of the following proposal:

The Proposal

Complete as in Form 3.

.....

Complete as in Form 3.

Summary of the nature of work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

.....
.....
.....
.....
.....
.....

Plans, drawings, specifications or other documents

The proposal is described by the following items, copies of which were supplied to the Fabric Advisory Committee and to the Cathedrals Fabric Commission

List and number the items and give reference numbers if applicable.

.....
.....
.....
.....

**Delete or complete as appropriate.*

The Commission of Review is requested to *reverse the decision of the Cathedrals Fabric Commission/ *vary that part of the decision of the Cathedral Fabric Commission consisting of

.....
.....
.....

Grounds for Review of decision

In requesting a review of the decision of the Cathedrals Fabric Commission the Chapter relies on the following grounds:

Here set these out in detail.

- 1.
- 2.
- 3.

DOCUMENTS ACCOMPANYING THIS REQUEST

Copies of the following documents accompany this form.

- 1. Notice of the decision of the Fabric Advisory Committee in Form 5 dated**
- 2. Notice of the decision of the Cathedral Fabric Commission in Form 14 dated**
- 3. The Chapter’s application to the Fabric Advisory Committee in Form 3 dated for approval of the above proposal**
- 4. Plans, drawings, specifications [photographs] or other documents which accompanied that application**
- 5. The appeal in Form 11 to the Cathedrals Fabric Commission dated**

Signed:

Administrator on behalf of the Chapter

Dated:

NOTE

This form and all the accompanying items listed in it should be sent or delivered to the Provincial Registrar at the published address of the Provincial Registry within 3 months of the date when notice of the Commission’s decision was sent or delivered to the Chapter.

NOTIFICATION OF OTHER BODIES

I confirm that a copy of this form is being sent immediately in accordance with rule 20(3) to the bodies indicated below

Tick boxes to indicate.

the Cathedrals Fabric Commission

the Fabric Advisory Committee of the said Cathedral Church

English Heritage

the national amenity societies or such person as those societies may have jointly appointed for the purposes of the Measure

If the proposal is of a kind described in section 2(1)(a)—

Local Planning Authority

Signed:

Administrator on behalf of the Chapter

Dated:

FORM 23 (Rule 21)

Section 10C of Care of Cathedrals Measure 1990 (as amended)

Request to Commission of Review by Chapter/ tenant for review of a decision of the Cathedrals Fabric Commission

COMMISSION OF REVIEW

**Delete as appropriate.*

To the Provincial Registrar of the province of **Canterbury/ *York*

Insert name of cathedral.

The Chapter of the Cathedral Church of:

Insert name and address of tenant.

and/ or the tenant

of

**Delete as applicable.*

request the Commission of Review to review the decision dated of the Cathedrals Fabric Commission **refusing to give approval/ *approving with conditions, the following proposal to carry out works to the property at the above address (for which the Chapter is willing to give consent subject to approval being given under the Measure).*

The Proposal

Complete as in Form 8 or 13.

.....
.....
.....
.....
.....
.....

**Delete or complete as appropriate.*

The Chapter and/ or the tenant request the Commission of Review to **reverse the decision of the Cathedrals Fabric Commission/ *vary that part of the decision of the Cathedral Fabric Commission consisting of*

.....
.....
.....

Grounds for Review of decision

The Chapter and/ or the tenant rely upon the following grounds in support of the request for a review:

Here set these out in detail.

- 1.
- 2.
- 3.
- 4.

<u>DOCUMENTS ACCOMPANYING THIS REQUEST</u>	
<i>Tick boxes as applicable to indicate.</i>	Copies of the following documents accompany this form.
	<input type="checkbox"/> Notice of the decision of the Cathedral Fabric Commission in Form 10 dated
	<input type="checkbox"/> The Chapter's application in Form 8 dated for approval of the above proposal
	<input type="checkbox"/> Plans, drawings, specifications or other documents which accompanied the application
<input type="checkbox"/> The Chapter's appeal in Form 13 dated	

Signed:

Administrator on behalf of the Chapter

Dated:

Signed:

Above tenant. **Tenant of**

Dated:

NOTE

This form and all the accompanying items listed in it should be sent or delivered to the Provincial Registrar at the published address of the Provincial Registry—

- (i) in a case where the Chapter requests a review alone or with the tenant within 28 days of receipt of notice of the decision of the Commission,
- (ii) in a case where the tenant alone requests a review within 28 days after notification by the Chapter to the tenant that the Chapter has decided not to appeal.

FORM 24 (Rules 17-21)

Sections 10C, 10(1)(a) and (b) and 10(2) of Care of Cathedrals Measure 1990 (as amended)

Notice of Decision of COMMISSION OF REVIEW

TAKE NOTICE that the Chapter of the Cathedral Church of

Insert name of cathedral.

.....
[the tenant of]

on
requested the Commission of Review to

Use only the relevant paragraph.

1. Review the decision dated of the Cathedrals Fabric Commission in respect of the Chapter's/ tenant's proposal to carry out works at the tenanted property;

or

2. Review the decision dated of the Cathedrals Fabric Commission in respect of the Chapter's proposal to carry out works [or sell, lend, or dispose of an object];

or

3. Review the decision dated of the Cathedrals Fabric Commission under section 9(2) of the Measure following non-determination by the Fabric Advisory Committee;

or

4. Review the decision dated of the Cathedrals Fabric Commission on appeal from a decision of the Fabric Advisory Committee;

or

5. Deal with the Chapter's application for approval of a proposal made to the Cathedrals Fabric Commission on and not determined within the specified period;

or

6. Deal with the Chapter's request dated under section 9(2) for the Cathedrals Fabric Commission to determine an application not determined by the Fabric Advisory Committee and then not determined by the Cathedrals Fabric Commission within the specified period;

or

7. Deal with an appeal dated by the Chapter to the Cathedrals Fabric Commission from a decision of the Fabric Advisory Committee and not determined by the Cathedrals Fabric Commission within the specified period.

The Proposal the subject of review

Concise description of the nature of the proposal

.....
.....
.....
.....

Summary of the nature of work and its extent (and materials) [or in the case of an object, a short description of it and details of the proposal]

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Decision

The Commission of Review held a hearing in public on

Enter date.

.....
and after considering all representations both oral and written received in relation to the above proposal, decided to:

**Delete as appropriate.*

1. *(a) Confirm the decision of the Cathedrals Fabric Commission

or

***(b) Reverse the decision of the Cathedrals Fabric Commission and grant approval of the proposal for the following reasons:**

.....
.....
.....
.....
.....

***(c) Vary the decision *in whole/ *in part of the Cathedral Fabric Commission as follows:**

.....
.....
.....
.....
.....

The reasons for varying the decision are

.....
.....
.....
.....
.....

[Note: The form of words in 1(a), (b) or (c) should be used for a review under paragraphs 1 to 4 above.]

2. *(a) Approve the proposal

or

(b) Approve the proposal subject to the following condition(s):

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for the following reasons:

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or

(c) Refuse to give approval to the proposal for the following reasons:

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[Note: The form of words in 2(a), (b) or (c) should be used for dealing with an application under paragraphs 5 or 6 above.]

3. (a) Confirm the decision of the Fabric Advisory Committee

or

(b) Reverse the decision of the Fabric Advisory Committee and grant approval of the proposal for the following reasons:

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**Delete as appropriate.*

***(c) Vary the decision (*in whole/ *in part) of the Fabric Advisory Committee as follows:**

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The reasons for varying the decision are

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[Note: The form of words in 3(a), (b) or (c) should be used for dealing with an appeal under paragraph 7 above.]

Costs

The Commission of Review ordered:

Signed:

Provincial Registrar on behalf of the Commission of Review

Dated:

NOTES

1. A copy of this Notice is to be sent or delivered to the bodies or persons specified in rule 19(3) as appropriate in relation to which form of request or appeal is made to the Commission under paragraphs 1 to 7 above.
2. Within 7 days of receipt of this Notice the administrator of the Cathedral Church is to display a copy of it inside and outside the cathedral where it will be readily visible to the public for a period of not less than 28 days.

PART 7

Forms 25 and 26: Registers of applications to fabric advisory committee and Commission

FORM 25 (Rule 27)

Section 10B of Care of Cathedrals Measure 1990 (as amended)

Entry in Register of Applications made under the Care of Cathedrals Measure 1990 (as amended) to the Fabric Advisory Committee

The Fabric Advisory Committee of the Cathedral Church of:

For the Year:

Date of Application:

Case Reference:

Short description e.g. repair of vestry, loan of chalice.

The Proposal

Date of Determination:

The Determination:

The proposal was:

Tick one box only.

Approved unconditionally

Approved conditionally

Conditions:

Details of conditions.

Reasons:

Details of reasons.

Refused

Reasons:

Details of reasons.

Withdrawn

Representations were made by the following:

Tick boxes to indicate.

Cathedrals Fabric Commission

English Heritage

SPAB

Local Planning Authority

Georgian Group

Victorian Society

Twentieth Century Society

Ancient Monuments Society

Council for British Archaeology

Please specify.

Other bodies

Give number.

Members of the public

**This is optional.*

***Further information/ observations in relation to applications for approval:**

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FORM 26 (Rule 27)

Section 10B of Care of Cathedrals Measure 1990 (as amended)
Entry in Register of Applications made under the Care of Cathedrals Measure 1990 (as amended) to the Cathedrals Fabric Commission for England

In respect of the Cathedral Church of:

Insert name of cathedral.

For the Year:

Date of Application:

Case Reference:

Short description e.g. repair of vestry, loan of chalice.

The Proposal

Date of Determination:

The Determination:

The proposal was:

Tick one box only.

Approved unconditionally

Approved conditionally

Conditions:

Details of conditions.

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Reasons:

Details of reasons.

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Refused

Reasons:

Details of reasons for refusal.

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.....

Withdrawn

Representations were made by the following:

Tick boxes to indicate.

Fabric Advisory Committee

English Heritage

SPAB

Local Planning Authority

Georgian Group

Victorian Society

Twentieth Century Society

Ancient Monuments Society

Council for British Archaeology

Please specify.

Other bodies

Give number.

Members of the public

** This is optional.*

***Further information/ observations in relation to applications for approval:**

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EXPLANATORY NOTE

(This note is not part of the Order)

These Rules are made under section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 for carrying into effect the provisions of the Care of Cathedrals Measure 1990 (“the 1990 Measure”) as amended.

They revoke and replace the Care of Cathedrals Rules 1990 (“the 1990 Rules”). As well as making some changes to the provisions of the 1990 Rules and making more detailed provision for some of the existing procedures under the 1990 Measure, they carry into effect a number of additions and other amendments made to the 1990 Measure by the Care of Cathedrals (Amendment) Measure 2005.

Part 1, consisting of rules 1 and 2, deals with the citation, commencement and interpretation of the Rules and revokes the 1990 Rules.

Part 2, consisting of rules 3 and 4, deals with the procedure for certain preliminary determinations under the 1990 Measure as amended.

Part 3, consisting of rules 5 and 6, deals with applications for approval of proposals made by a cathedral chapter to the fabric advisory committee (“FAC”) established for the individual cathedral under the 1990 Measure.

Part 4, consisting of rules 7 to 9, deals with applications for approval of proposals made by a cathedral chapter to the Cathedrals Fabric Commission for England (“CFCE”) (the national body established by the 1990 Measure) and with appeals to the CFCE from decisions of a FAC or failure by a FAC to determine an application within the time-limit under the 1990 Measure.

Part 5, consisting of rule 10, deals with certain types of proposals affecting cathedral clergy housing.

Part 6, consisting of rule 11, provides for the giving of notice to the CFCE of applications by a cathedral chapter for listed building or scheduled monument consent in respect of a building or monument within the cathedral precinct.

Part 7, consisting of rules 12 to 16, deals with applications for approval of proposals relating to objects of architectural, archaeological, artistic or historic interest. In addition, rule 16 and Schedule 1 implement the provisions relating to “treasure” in the amended 1990 Measure. They envisage the making of an order under section 2(2) of the Treasure Act 1996 to take certain objects found on cathedral precincts outside the provisions of the 1996 Act. Schedule 1 will provide a detailed procedure for reporting the finding of a potential treasure object and determining whether it is one which would otherwise have come within the 1996 Act. If so, the Schedule makes provision for access to it and for applications for approval of any proposal to dispose of it or lend it or to carry out work to it which would materially affect its character. In the event of approval of a sale or disposal other than a loan, the Schedule also implements provisions in the amended 1990 Measure for giving a museum an opportunity to purchase the object.

Part 8, consisting of rules 17 to 21, deals with requests for a review by a Commission of Review of a decision (including a decision on appeal) by the CFCE or for determination by a Commission of Review in the event of non-determination by the CFCE within the statutory time-limit.

Part 9, consisting of rules 20 to 26, contains general provisions regarding procedure and evidence for the proceedings of FACs, the CFCE and any Commission of Review.

Part 10, consisting of rule 27, deals with registers of applications for approval made to FACs and the CFCE.

Part 11, consisting of rules 28 and 29, deals with cathedral inventories and with records of cathedral works.

Part 12, consisting of rules 30 to 33, contains miscellaneous and general provisions regarding the sending and delivery of documents, copies of documents and the date of compliance with time limits and enables irregularities and procedural errors to be dealt with.

Schedule 2 contains a series of forms for individual steps in the procedures laid down by the rules. The use of each of the forms is prescribed by the relevant rule or by the relevant paragraph of Schedule 1.